



city council

PLANNING PROPOSAL

AMENDMENT TO THE MAITLAND LEP 2011

**ABERGLASSLYN HOUSE HERITAGE CONSERVATION AREA
ABERGLASSLYN**

(VARIOUS LOTS SURROUNDING ABERGLASSLYN HOUSE)

Version 4.0
May 2017



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Versions

Version 1.0 – October 2016 (For Section 55 Council Report)

Version 2.0 – November 2016 (For Gateway Determination)

Version 3.0 – January 2017 (For Exhibition)

Version 4.0 – May 2017 (For s59)

INTRODUCTION

This planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979. It explains the intended effect of, and justification for the proposed amendment to Maitland Local Environmental Plan 2011 (MLEP 2011) to reinstate and expand the Heritage Conservation Area (HCA) around Aberglasslyn House and to rezone land within that proposed HCA to better reflect intended built outcome of the area.

This planning proposal is the result of a direction given by the Department of Planning during the drafting of the MLEP2011 to remove the Heritage Control Area from the LEP and map it in the Maitland Development Control Plan 2011 (DCP). This direction has created vulnerabilities in the protection of the curtilage Aberglasslyn House.

This planning proposal addresses concerns that the existing development controls are not adequate to ensure that the curtilage of the Aberglasslyn House is protected from inappropriate development associated with the Aberglasslyn Urban Release Area.

The planning proposal applies to land within the Aberglasslyn Urban Release Area.

A submission was received from the Office of Environment and Heritage (Heritage Branch) during the exhibition period. The submission identified a discrepancy between the mapped and listed heritage item in the MLEP2011 and the State Heritage Register (SHR). The SHR includes the access handle from Aberglasslyn Lane. The OEHL have recommended including the access handle in this proposal. The planning proposal has been amended to reflect this.

Background

Aberglasslyn House is a State Listed item. It is an incomplete, two-storey, early Victorian house overlooking a bend in the Hunter River. It is built of finely worked Ravensfield sandstone with a slate roof. It is a large rectangular house, drawing in plan from the compact form of the late 18th and early 19th century English neo-classical villas, with well-proportioned rooms arranged around a central square hall containing a geometric staircase describing a circular wall beneath a hemispherical dome. Because of the disastrous financial depression of the early 1840s the house was not finished to the original plan - planned rear single storey wings containing offices were not built and only part of the interior detailing was completed. In the late 1850s most of the unfinished detailing was made good in a simple manner with mitred, moulded architraves instead of the elaborate aedicular forms of the original work. At this time two storeyed verandahs of cast iron columns on sandstone plinths were built instead of the single storey colonnade originally planned, for which sandstone columns had been quarried and moulded.

The workmanship of the first build and the materials used are of the highest quality; in particular the Ravensfield stone and the cedar. The house retains in its wallpapers and paint finished, together with its services (bells, water closet and ballroom) exhibit remarkable evidence of both building, the effect of the financial depression and the taste of its builders.

Aberglasslyn is intimately sited close to the Hunter River. It commands extensive pastoral views and is a dramatic European monument set in isolation in an antipodean landscape.

Statement of significance:

It is arguably the finest extant Greek Revival style villa (in the 18th century sense of the word) in Australia. The configuration of its fabric, largely in its c1860 form, is patent physical evidence of the high expectations of colonial settlers of the 1830s and early 1840s and the severity of the economic crash of the 1840s. It is the earliest known surviving example in Australia of a house design generated in part by considerations of an integrated sanitary plumbing system. The building is one of a group of surviving pre-1850 in the vicinity of Maitland. The house and setting is physical evidence of the pattern of land settlement and leasehold farming in the Maitland area. It contains elements of high individual and often unique quality, including a domed stairwell and geometric stair of unique quality and design in Australia. The place is perceived by many knowledgeable people to be one of the major sites of cultural significance in Australia. On a regional basis the building is an historic landmark (monument). It is an exemplary example of the 19th century builder's art embodied in the quality of the stonework, brickwork, timber selection, carpentry and joinery, plasterwork, hardware etc. (Clive Lucas & Partners 1985:32-33)

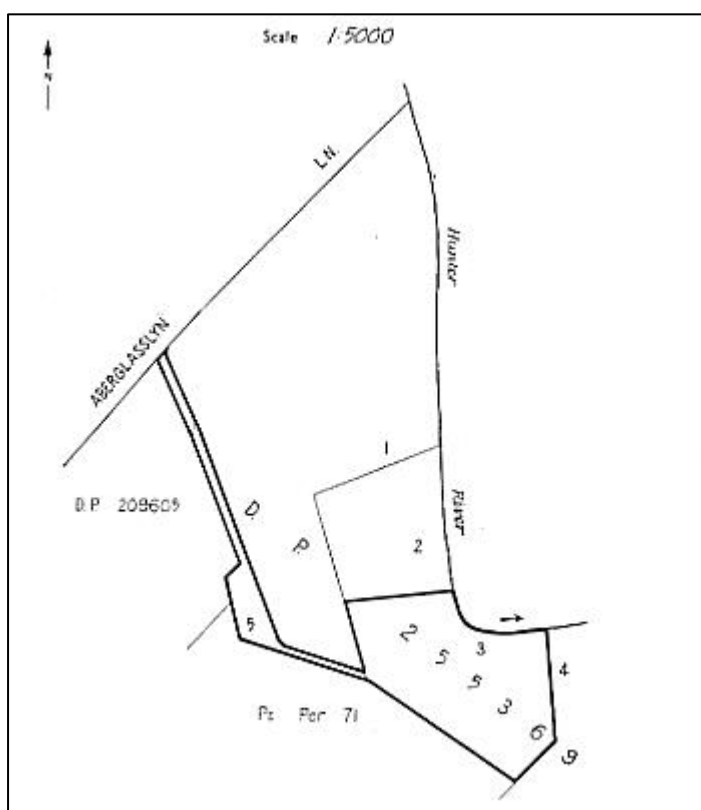


Figure 1: State Heritage Register - Aberglasslyn House.

Maitland Local Environmental Plan 1993

Under the Maitland Local Environmental Plan 1993 Aberglasslyn House and its curtilage was protected against development of the Aberglasslyn Urban Release Area by the following local clause:

39A Development within the Aberglasslyn House Heritage Control Area

- 1) *This clause applies to the Aberglasslyn House Heritage Control Area.*
- 2) *Despite any other provision of this plan, the Council must not grant consent to an application to carry out development on land within the Aberglasslyn House Heritage Control Area unless:*
 - a) *the Council has assessed the effect that the development will have on the heritage significance of Aberglasslyn House and its setting and is satisfied, as a result of that assessment, that the development is not incompatible with that heritage significance, and*
 - b) *a development control plan applying to the Aberglasslyn House Heritage Control Area has been prepared that provides for the following:*
 - i. *a subdivision layout,*
 - ii. *(ii) amelioration of visual impacts of the development on the curtilage of Aberglasslyn House,*
 - iii. *an overall landscaping strategy, including the extent, location and form of landscaping,*
 - iv. *detailed urban design controls, including building envelopes, building materials and colours.*

During the preparation and drafting of the Maitland LEP 2011, the Department advised that a local provision clause was not required, as the protection of this heritage item and its curtilage is provided for under clause 5.10. To further protect the land 'in the vicinity of a heritage item', the Department suggested an amendment to the DCP to identify the heritage control area specifically.

The Development Control Plan does identify the heritage control area and to date this has been reasonably effective at controlling development. However, the Development Control Plan is a subordinate document to the Local Environmental Plan. Therefore, there is risk the area could be further subdivided as the LEP development standards for lot size and land use zone permit further subdivision.

Ancillary buildings including sheds have been constructed and are visible above the ridgeline from Aberglasslyn House (refer Figure 5 and Figure 6). This may be considered a minor incursion into the curtilage at this point. However, the existing development controls continue to permit rural sheds and ancillary buildings as exempt development¹. The MLEP2011 does permit the subdivision of the R1 zoned land to create additional residential lots.

For these reasons it is proposed to make the following changes to the MLEP2011:

1. Reinstatement and expansion of the heritage conservation area to include Aberglasslyn House and its curtilage.
2. Rezone the land from RU1 and R1 (Part) to E3 Environmental Management.
3. Amend the lot size map (Part) from 450m² to 40ha.

¹ On rural zoned land, rural sheds up to 50m² (on lots <2ha) and 200m² (on lots >2ha) are exempt development under the SEPP (Exempt and Complying Development) 2008. On residential land there are a number of exempt development types that could encroach on the visual curtilage of Aberglasslyn House and undermine the integrity of the curtilage.

The following maps illustrate the changes proposed.

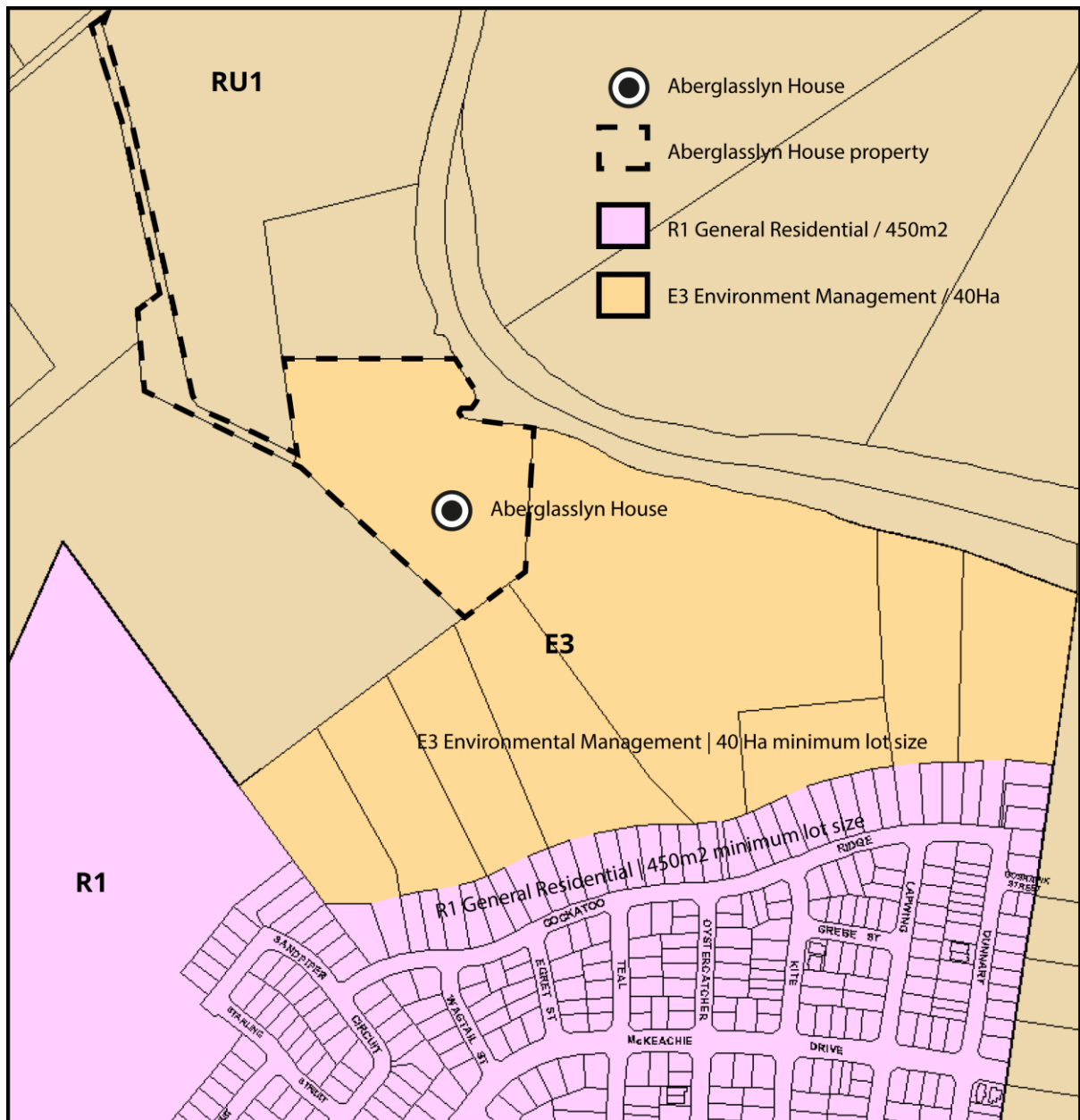


Figure 2: Proposed changes to the land use zone and lot size controls.

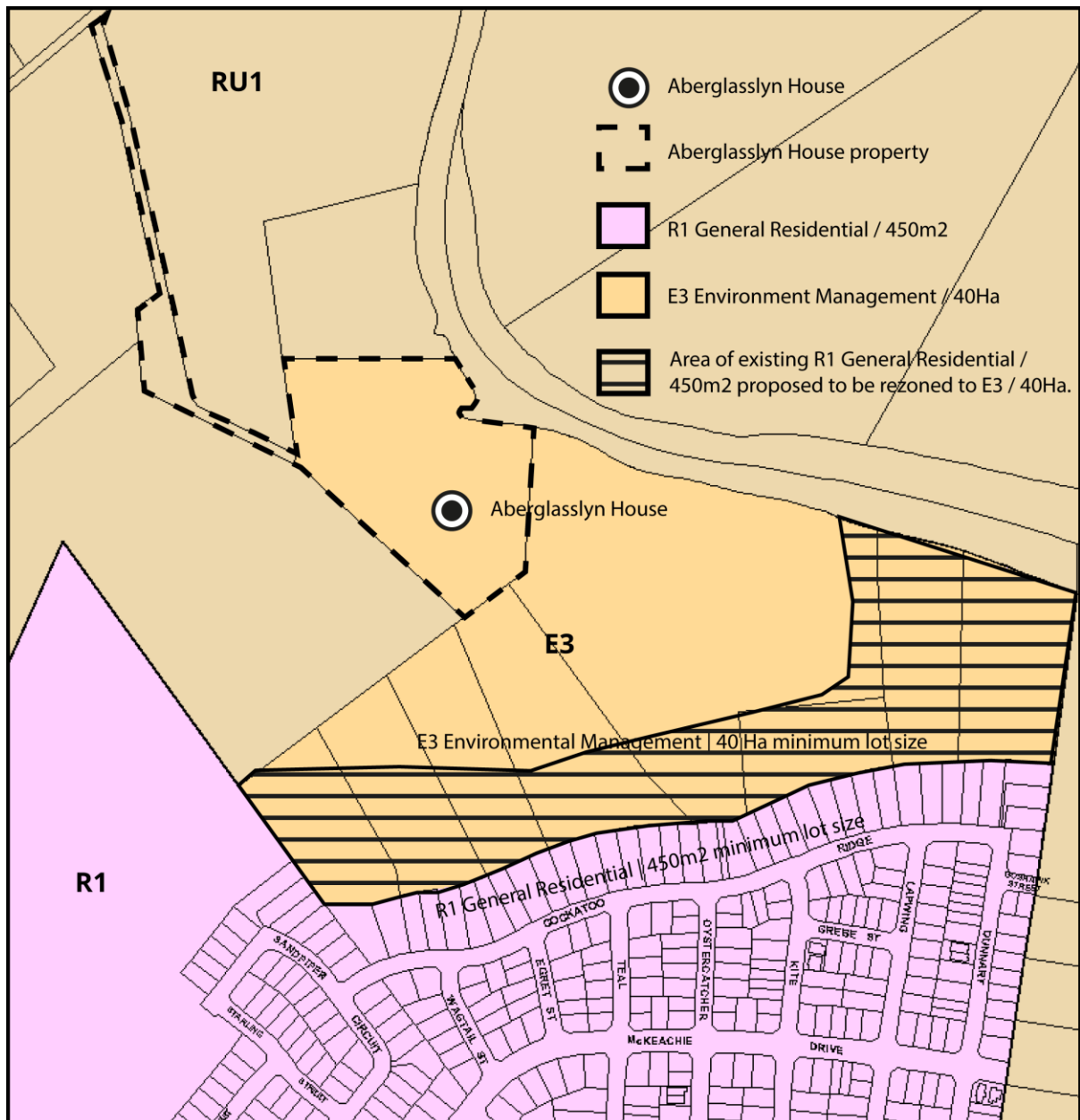


Figure 3: Area proposed to be rezoned from R1 General Residential / 450m2 to E3 Environmental Management / 40Ha.

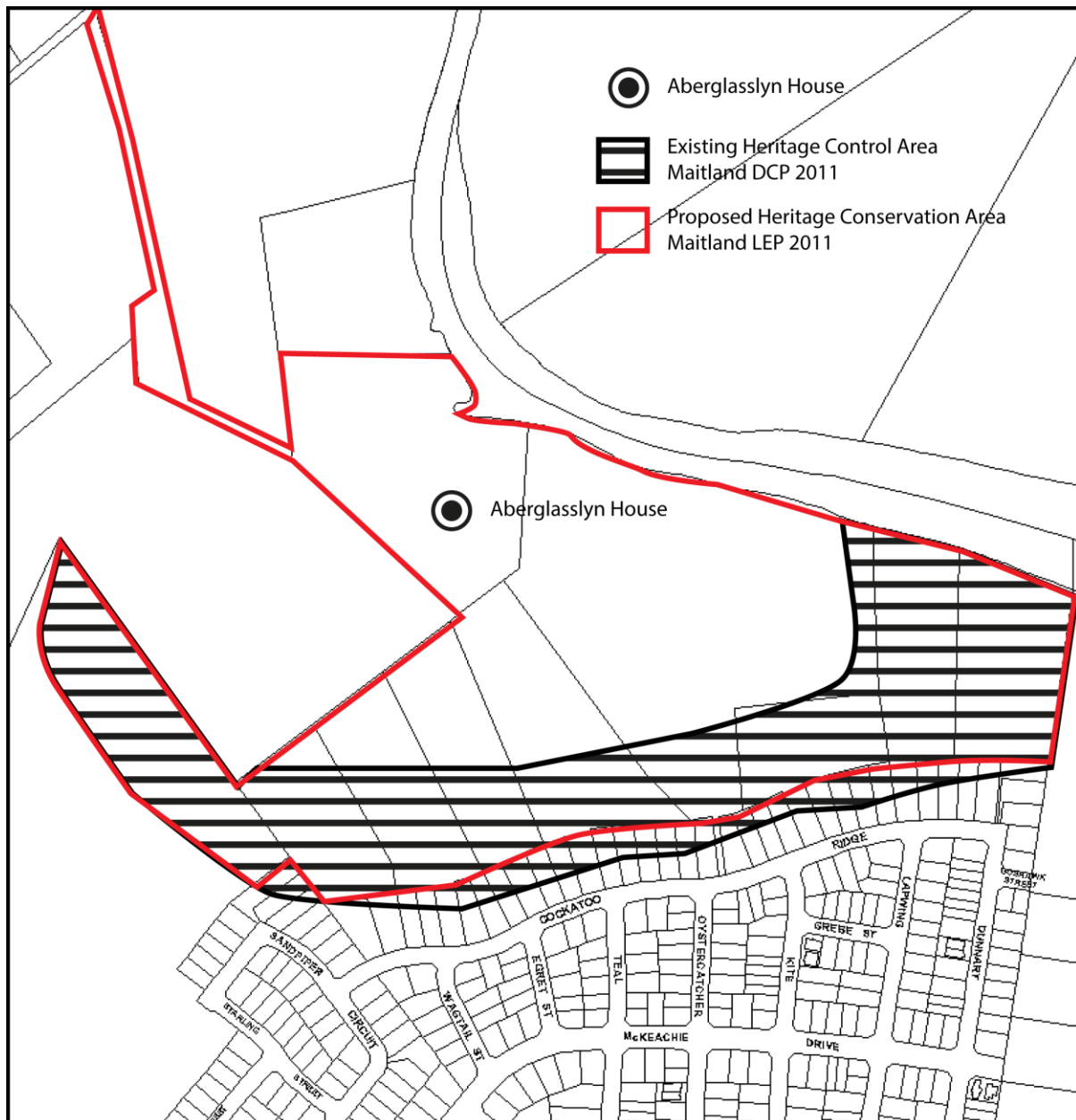


Figure 4: Proposed heritage control area (LEP) and existing heritage control area (DCP).

PART 1: OBJECTIVES OR INTENDED OUTCOMES

To amend the Maitland Local Environmental Plan 2011 to protect the curtilage of Aberglasslyn House.

PART 2: EXPLANATION OF PROVISIONS

The planning proposal seeks:

- To amend the HER map series to introduce a heritage conservation area including and surrounding land around Aberglasslyn House in accordance with Figure 11.
- To amend the HER map series to include Lot 5 DP255369 as part of the Aberglasslyn House heritage item listing.
- To amend the lot size to a minimum of 40ha for including and surrounding land around Aberglasslyn House in accordance with Figure 13.
- To amend the land use zone to E3 Environmental Management for land surrounding Aberglasslyn House in accordance with Figure 15.
- To amend schedule 5 of the Maitland Local Environmental Plan to list the Heritage Conservation Area.
- To amend Schedule 5 – “Property Description” of the Maitland Local Environmental Plan to add Lot 5 DP255369 to the listing for Item: I1 Aberglasslyn House.

Table 1: Land affected by proposed Heritage Conservation Area.

Lot/DP	Address	Affected
3/DP255369	92 ABERGLASSLYN LANE ABERGLASSLYN	Entire lot
5/DP255369	94 ABERGLASSLYN LANE ABERGLASSLYN	Entire lot
3/DP1124849	36 COCKATOO RIDGE ABERGLASSLYN	Part lot
1909/DP1162515	56 COCKATOO RIDGE ABERGLASSLYN	Part lot
1912/DP1162515	50 COCKATOO RIDGE ABERGLASSLYN	Part lot
1902/DP1162514	70 COCKATOO RIDGE ABERGLASSLYN	Part lot
1905/DP1162514	64 COCKATOO RIDGE ABERGLASSLYN	Part lot
2705/DP1163947	26 COCKATOO RIDGE ABERGLASSLYN	Part lot
2805/DP1169721	16 COCKATOO RIDGE ABERGLASSLYN	Part lot
2902/DP1169722	8 COCKATOO RIDGE ABERGLASSLYN	Part lot
3900/DP1220527	SANDPIPER CIRCUIT ABERGLASSLYN	Part lot

Table 2: Proposed changes to land zones.

Lot/DP	Address	Existing zone	Proposed zone
3/DP255369	92 ABERGLASSLYN LANE ABERGLASSLYN	RU1	E3
3/DP1124849	36 COCKATOO RIDGE ABERGLASSLYN	R1/RU1	R1/E3
1909/DP1162515	56 COCKATOO RIDGE ABERGLASSLYN	R1/RU1	R1/E3
1912/DP1162515	50 COCKATOO RIDGE ABERGLASSLYN	R1/RU1	R1/E3
1902/DP1162514	70 COCKATOO RIDGE ABERGLASSLYN	R1/RU1	R1/E3
1905/DP1162514	64 COCKATOO RIDGE ABERGLASSLYN	R1/RU1	R1/E3

2705/DP1163947	26 COCKATOO RIDGE ABERGLASSLYN	R1/RU1	R1/E3
2805/DP1169721	16 COCKATOO RIDGE ABERGLASSLYN	R1	R1/E3
2902/DP1169722	8 COCKATOO RIDGE ABERGLASSLYN	R1	R1/E3

Table 3: Proposed changes to minimum lot size maps.

Lot/DP	Address	Existing min lot size	Proposed min lot size
3/DP1124849*	36 COCKATOO RIDGE ABERGLASSLYN	450m2/40ha	450m2/40ha
1909/DP1162515*	56 COCKATOO RIDGE ABERGLASSLYN	450m2/40ha	450m2/40ha
1912/DP1162515*	50 COCKATOO RIDGE ABERGLASSLYN	450m2/40ha	450m2/40ha
1902/DP1162514*	70 COCKATOO RIDGE ABERGLASSLYN	450m2/40ha	450m2/40ha
1905/DP1162514*	64 COCKATOO RIDGE ABERGLASSLYN	450m2/40ha	450m2/40ha
2705/DP1163947*	26 COCKATOO RIDGE ABERGLASSLYN	450m2/40ha	450m2/40ha
2805/DP1169721	16 COCKATOO RIDGE ABERGLASSLYN	450m2	450m2/40ha
2902/DP1169722	8 COCKATOO RIDGE ABERGLASSLYN	450m2	450m2/40ha

* The area of the each lot size has changed.

PART 3: JUSTIFICATION FOR PROPOSED REZONING

In accordance with the Department of Planning's 'Guide to Preparing Planning Proposals', this section provides a response to the following issues:

- Section A: Need for the planning proposal;
- Section B: Relationship to strategic planning framework;
- Section C: Environmental, social and economic impact; and
- Section D: State and Commonwealth interests.

SECTION A – NEED FOR THE PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

No. The planning proposal is the result of a complaint received from the owners of Aberglasslyn House about the visibility of structures associated with residential development of Aberglasslyn Urban Release Area. On inspection, it is clear that ancillary development (for example; sheds etc) are visible above the ridgeline from the house (refer Figure 5 and Figure 6).

The Maitland LEP 1993 contained a heritage control area (Figure 9) and a local clause that effectively protected Aberglasslyn House and its curtilage. However, in the drafting of the Maitland LEP 2011 the Department of Planning advised that the local clause was not required and any controls should be moved to the DCP. The primary reasons that Council is now seeking to reintroduce LEP controls to protect Aberglasslyn House are:

1. The DCP is subordinate to the LEP and the LEP contains controls that would permit further subdivision of the lots (i.e. land zone and minimum lot size) and
2. The SEPP (Exempt and Complying Development Codes) 2008 allows for certain ancillary development (in rural and residential zones) that could further compromise the integrity of the curtilage.

Therefore, this planning proposal proposes to affect changes to the HER, LSZ and LZN maps series to ensure that the curtilage of Aberglasslyn House is protected as was originally anticipated.



Figure 5: View from Aberglasslyn House to Aberglasslyn Urban Release Area.



Figure 6: View from Aberglasslyn House to Aberglasslyn Urban Release Area.



Figure 7: View of ancillary development above ridgeline.



Figure 8: Aberglasslyn Urban Release Area - Western Precinct.

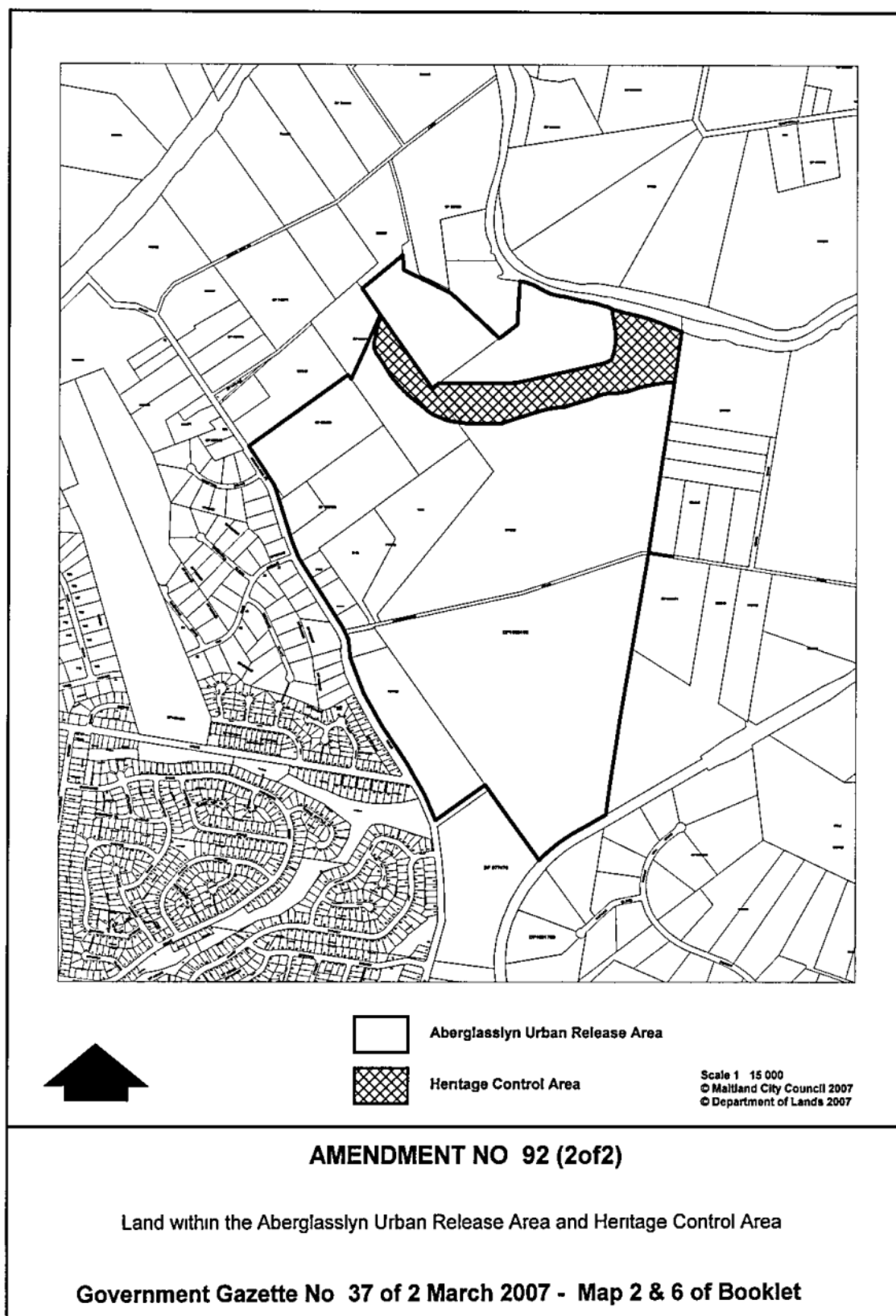


Figure 9: Maitland Local Environmental Plan 2011: Amendment 92.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

There is no better way to achieve the objectives of this planning proposal. Council's DCP controls have not adequately protected Aberglasslyn House from encroachment of ancillary development associated with the residential development of the Aberglasslyn Urban Release Area. Furthermore, it is possible that further subdivision could occur in the curtilage because of the existing LEP development controls and the subordinate nature of the development control plan.

3. Is there a net community benefit?

No net community benefit test has been undertaken as part of this planning proposal. However, the protection of a state significant heritage asset is a significant community benefit.

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Hunter Regional Plan 2036

The planning proposal is consistent with "Direction 19: Identify and protect the region's heritage" of the HRP2036.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Maitland Urban Settlement Strategy 2012

In relation to the Aberglasslyn Urban Release Area and its relationship with Aberglasslyn House the Maitland Urban Settlement Strategy states:

Aberglasslyn House, located to the north of the Investigation Area, is listed as having State heritage significance in Maitland LEP 1993. It is also listed on the Register of the National Estate and is the subject of a Permanent Conservation Order. The visual catchment of Aberglasslyn House has been determined by Taylor (1995) and focuses on the hills north of the Hunter River. Views to and from the house and its grounds are an important consideration in the more elevated parts of the Investigation Area.

The objective with future development in this area should be to prevent any intrusion on the visual catchment of Aberglasslyn House. In this regard, a heritage control area has been identified in a draft LEP for the initial urban release area of Aberglasslyn.

The original controls that were put in place to achieve this objective have been undermined by changes to the State planning legislation that now allows for farm sheds up to 50m²/200m² to be constructed on rural zoned land as exempt development. This exemption persists on land adjoining a State Heritage Item as it is outside the "relevant land" as described by clauses 1(B) and 1 (C) of the SEPP (Exempt and Complying Development Codes) 2008.

Therefore, to ensure that farm sheds etc are subject to development assessment an E3 Environmental Management zone is proposed.

The use of the environmental zones to protect heritage items is not common in Maitland. However, it is considered appropriate as the E3 zone contains the following relevant objectives:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*

It is likely that this practice will be acknowledged in a future iteration of Council's strategic planning strategy.

Maitland +10 (Community Strategic Plan)

The proposal supports the following objective of the Council's community strategic plan (Maitland +10);

- Our unique built heritage is maintained and enhanced, coupled with sustainable new developments to meet the needs of our growing community.

6. Is the planning proposal consistent with applicable state environmental planning policies?

There are no applicable State Environmental Planning Policies.

7. Is the planning proposal consistent with applicable Ministerial Directions for Local Plan making?

Table 4: s117 Directions.

s117 DIRECTIONS	CONSISTENCY AND IMPLICATIONS
1.2 Rural Zones	Consistent
The objective of this direction is to protect the agricultural production value of rural land.	The proposal seeks to rezone an area of RU1 Primary Production land to E3 Environmental Management. The proposed E3 Environmental Management zone allows existing rural uses to continue and extensive agricultural uses with consent.
1.5 Rural Lands	Consistent
The objectives of this direction are to protect the agricultural production value of rural land and to facilitate the orderly and economic development of rural lands for rural and related purposes.	As above.
2. ENVIRONMENT AND HERITAGE	
2.3 Heritage Conservation	Consistent
The objective of this direction is to conserve	The proposal reinstates the protection of

s117 DIRECTIONS	CONSISTENCY AND IMPLICATIONS
items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Aberglasslyn House and its curtilage that existed until the MLEP 2011.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT	
3.1 Residential Zones	Consistent
Encourage a variety and choice of housing, minimise the impact of residential development on the environmental and resource lands and make efficient use of infrastructure and services.	The proposal will reduce the area of R1 General Residential on some of the lots. However, this area was never intended to accommodate additional dwelling houses. In fact the subdivision design is such that all existing residential dwellings are located outside the heritage control area identified in the MDCP2011.
3.3 Home Occupations	Consistent
To encourage the carrying out of low-impact small businesses in dwelling houses.	The proposal will not affect the permissibility of the home occupations.
5. REGIONAL PLANNING	
5.1 Implementation of Regional Strategies	Consistent
This direction requires a draft amendment to be consistent with relevant state strategies that apply to the LGA.	The proposal is consistent with “Direction 19: Identify and protect the region’s heritage” of the Hunter Regional Plan 2036.
This direction requires that planning proposals are consistent with a Regional Plan released by the Minister for Planning.	The proposal is consistent with “Direction 19: Identify and protect the region’s heritage” of the Hunter Regional Plan 2036.
6. LOCAL PLAN MAKING	
6.1 Approval and Referral	Consistent
The direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The HCA will be listed as local heritage item in the MLEP2011. Therefore it is unlikely to increase referrals to the Office of Environment and Heritage.
6.3 Site Specific Provisions	Consistent
The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The proposal adds additional restrictions on land within the proposed heritage conservation area. However, this is deemed necessary to ensure the protection of Aberglasslyn House and its curtilage.

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Not applicable.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Not applicable.

10. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal has considered social and economic effects. There may be some additional restriction on development potential for lots within the proposed E3 Environmental Management Area. However, this was always the intended outcome. The planning proposal will not impact adversely on existing subdivisions and development within the Aberglasslyn URA. The revised zone and lot size controls as well as the reinstatement of the heritage conservation area in the LEP are consistent with the development outcome envisaged for the area.

SECTION D – STATE AND COMMONWEALTH INTERESTS

11. Is there adequate public infrastructure for the planning proposal?

Not applicable.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

The OEH support the proposal to rezone the land to E3 Environmental Management and reinstate the heritage conservation area.

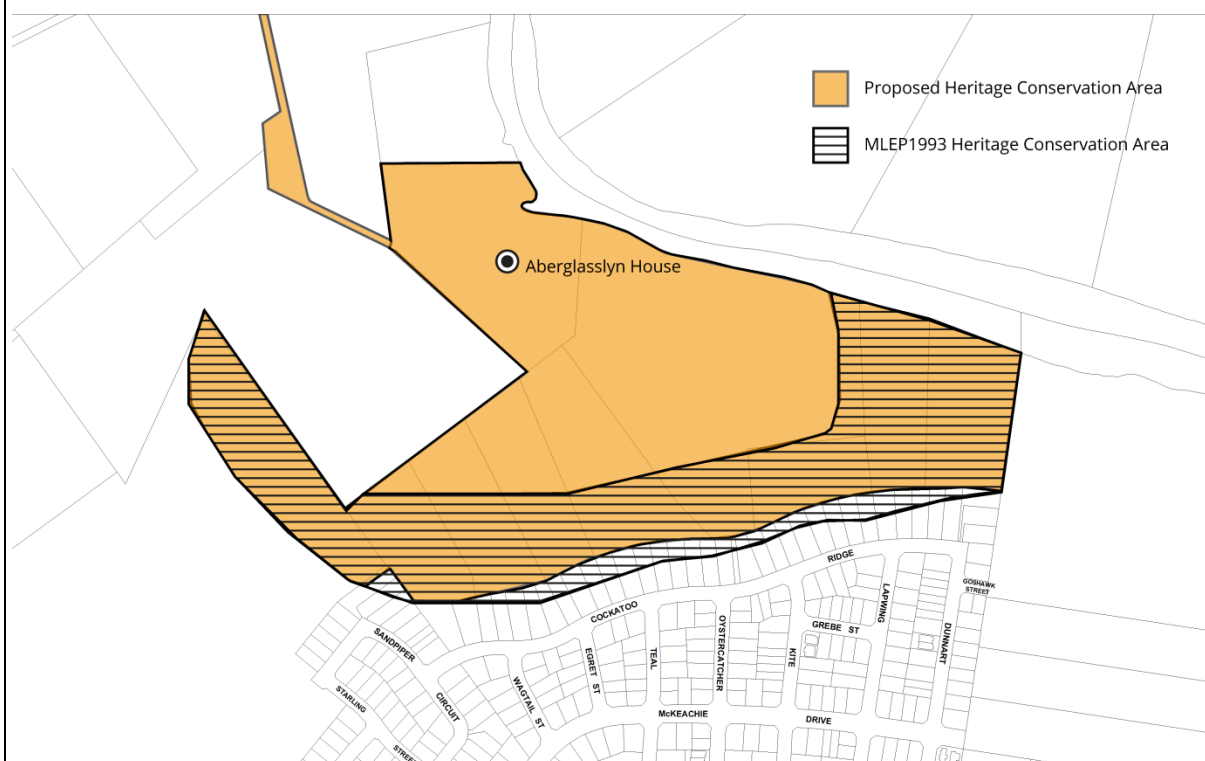
The OEH have raised a number of issues that have been addressed below.

The proposed area to be mapped as a heritage conservation area is inconsistent with the area previously identified in the MLEP 1993, and which is currently contained within the MDCP 2011. This includes a change to the extent of the southern boundary and the addition of the land containing Aberglasslyn House (Lot 3 DP 255369).

The heritage control area in the MLEP1993 covered the area that was zoned 2(a) Residential. The remainder of these lots was zoned rural. The purpose of the mapping was to activate the clause 39A of the MLEP1993; not to represent the heritage curtilage of Aberglasslyn House.

The MLEP2011 contains a schedule of heritage items and a heritage map series that identified heritage items, including heritage conservation areas. It is appropriate that the heritage conservation area for Aberglasslyn House is identified in Schedule 5 and represented on the map series. The difference between the previous and proposed HCAs is that it includes all of the curtilage and the Aberglasslyn House lot. The southern extent of the previous HCA has been

amended to remove the HCA from those residential house lots along Cockatoo Ridge and Sandpiper Circuit where development has already occurred.



The OEH questioned the need for the HCA to extend over the heritage item itself given that any development on the site would be subject to development assessment anyway. This may be true; however there is no reason not to do this and it is appropriate that the item itself is identified within the HCA that supports it.

The OEH has identified that the heritage item listing and map for Aberglasslyn House does not include the driveway handle (Lot 5 DP255369) that is included in the State Heritage Register listing for the site (Refer Figure 1). The planning proposal has been amended to identify the access handle as a State Heritage Item on the LEP HER map series and to amend the “Property Description” for Item I1 in Schedule 5 of the MLEP2011 to include Lot 5/DP255369. This is considered a minor change from the exhibited planning proposal and has little consequence to the use of the land. The owners of the access handle are the owners of the Aberglasslyn House who are supportive of the planning proposal. Council considers that no further public consultation is required because of this minor change.

The OEH identified an oversight being that the explanation of provisions did not include updating Schedule 5 of the Maitland Local Environmental Plan with the HCA listing. This has been rectified in the planning proposal.

The OEH also identified a minor error in the description of the zone. The rural zone is RU1 Primary Production, not RU2 Rural Landscape. This has been amended in the planning proposal.



File No: SF17/3947
Ref No: DOC17/22015

The General Manager
Maitland City Council
PO Box 220
MAITLAND NSW 2320

Attn: Robert Corken – Strategic Planner (robc@maitland.nsw.gov.au)

Dear Sir

RE: Planning Proposal to reinstate and expand Aberglasslyn Heritage Conservation Area and rezone land within its curtilage from part RU2 Rural Landscape and R1 General Residential to E3 Environmental Management and increase minimum subdivision lot size from 450m² to 40ha under Maitland Local Environmental Plan 2011

I refer to your letter dated 9 January 2017 regarding the planning proposal to reinstate and expand a Heritage Conservation Area (HCA) over Aberglasslyn (SHR 00195) and its curtilage, and to rezone and amend the minimum subdivision lot size of land comprising its curtilage under Maitland Local Environmental Plan 2011 (MLEP 2011).

It is noted that the objective of the planning proposal is to protect the curtilage and visual catchment of Aberglasslyn by reinstating and expanding Heritage Conservation mapping into the LEP, and rezoning and increasing the minimum subdivision lot size for land within the proposed heritage conservation area.

The planning proposal outlines that prior to the gazettal of MLEP 2011, a 'heritage control area' applied to land comprising the curtilage of Aberglasslyn and this land was mapped under the Maitland Local Environmental Plan 1993 (MLEP 1993). However during the drafting and preparation of MLEP 2011 the mapped curtilage area was moved to The Maitland Development Control Plan 2011 (MDCP 2011) by direction from the Department of Planning and Environment.

It is understood that since this time concerns have been raised regarding the visibility of structures constructed on adjoining rural land under exempt development provisions (such as large rural sheds) that can be seen above the ridgeline from Aberglasslyn. These structures are encroaching on the visual landscape curtilage of the item and undermining its integrity.

The proposed heritage conservation area, E3 Environmental Management zoning and minimum lot size amendment therefore seeks to restrict inappropriate development and subdivision within the curtilage area, particularly by removing the opportunity to undertake exempt and complying development. This approach is supported given it will provide a suitable heritage management outcome for the visual curtilage of Aberglasslyn by reducing development potential, and providing for the visual setting and character of this land to be maintained.

It is noted however that the proposed area to be mapped as a heritage conservation area is inconsistent with the area previously identified in the MLEP 1993, and which is currently

contained within the MDCP 2011. This includes a change to the extent of the southern boundary and the addition of the land containing Aberglasslyn House (Lot 3 DP 255369).

I understand from further advice provided by Maitland City Council that the change to the southern boundary relates to the avoidance of recent subdivision and development within the Aberglasslyn Urban Release Area, and that these structures are not visible above the ridgeline at Aberglasslyn. It is therefore considered appropriate that the proposed HCA not include these lots given they are not related to the significance of Aberglasslyn, and any further development would be assessed against clause 5.10 Heritage Conservation of the MLEP 2011.

The Heritage Division supports the listing and protection of heritage items, therefore no objection is raised to the inclusion of the property containing the heritage item within the proposed HCA. However given the objective of the proposed HCA is to manage development within the visual curtilage of the listed item, the application of the HCA over the property is not considered necessary.

You are advised that the local heritage map and the Schedule 5 listing applying to Aberglasslyn is inconsistent with the curtilage of the item under the State Heritage Register (exclusion of Lot 5 DP 255369 being the driveway access handle). It is recommended that the LEP mapping and listing be updated to reflect consistency with SHR curtilage as part of the finalisation of the planning proposal.

The planning proposal does not include the listing of the proposed HCA area under Schedule 5 – Environmental Heritage of the MLEP 2011. The explanation of provisions should be updated to reflect the inclusion of the heritage conservation area within Schedule 5. Maitland City Council should also consider updating the relevant mapping and sections of the MDCP 2011 in relation to the HCA should the planning proposal proceed to finalisation.

I also note that the existing rural zone applying to some land within the proposal appears to be RU1 Primary Production rather than RU2 Rural Landscape as identified in the planning proposal. Further, the proposed rezoning of some R1 General Residential land to E3 Environmental Management may require the amendment of the Urban Release Area map currently applying to this land to ensure consistency across mapping under the MLEP 2011.

If you have any questions regarding the above matter please contact Anne Banyai, Heritage Planning Officer at the Heritage Division, Office of Environment and Heritage on 9873 8620 or at anne.banyai@environment.nsw.gov.au.

Yours sincerely



20/02/2017

Katrina Stankowski
STL, Archaeology
Heritage Division
Office of Environment & Heritage

PART 4: DRAFT LEP MAPS

The following Draft LEP maps support the proposal:

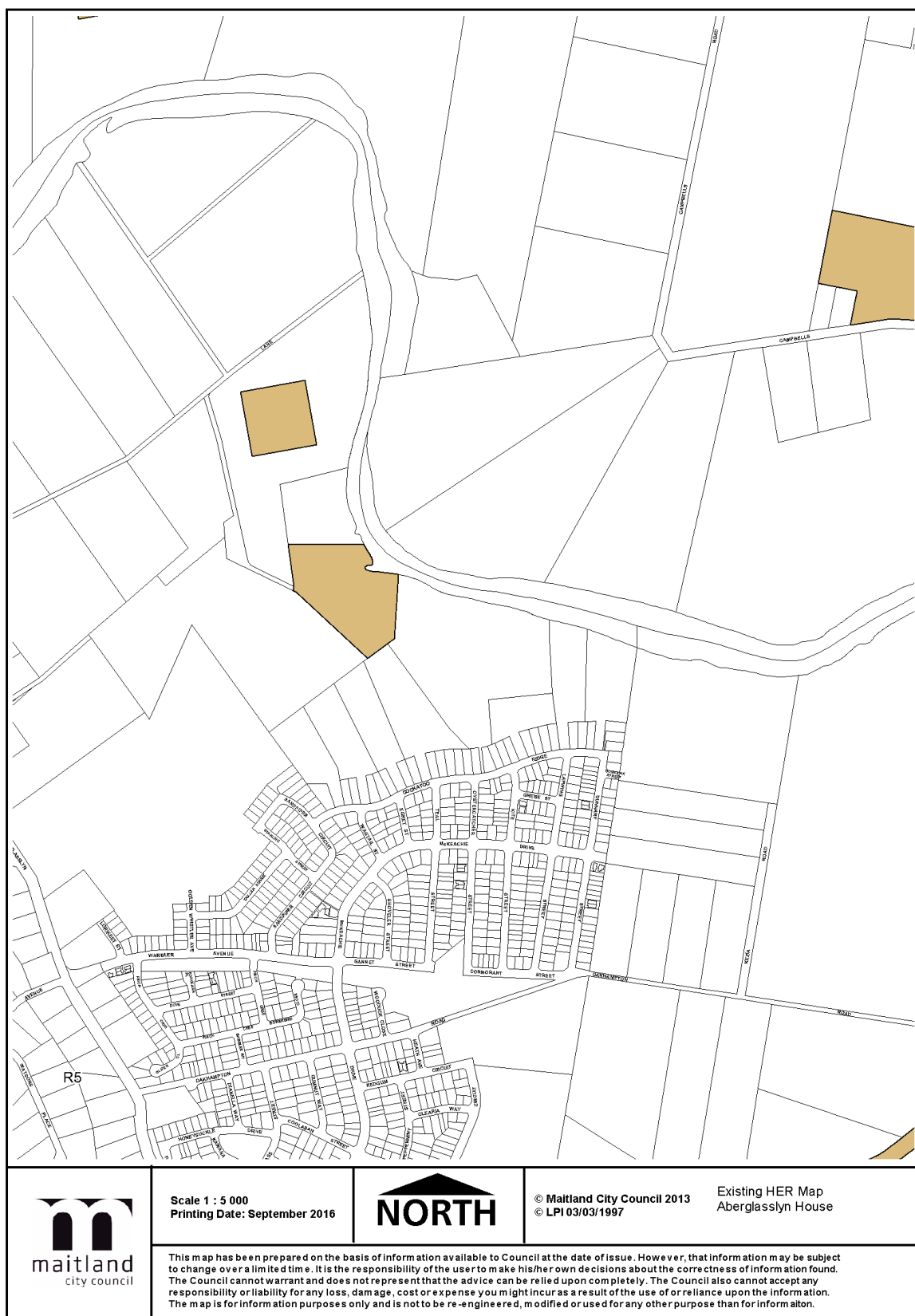


Figure 10: Existing HER map.

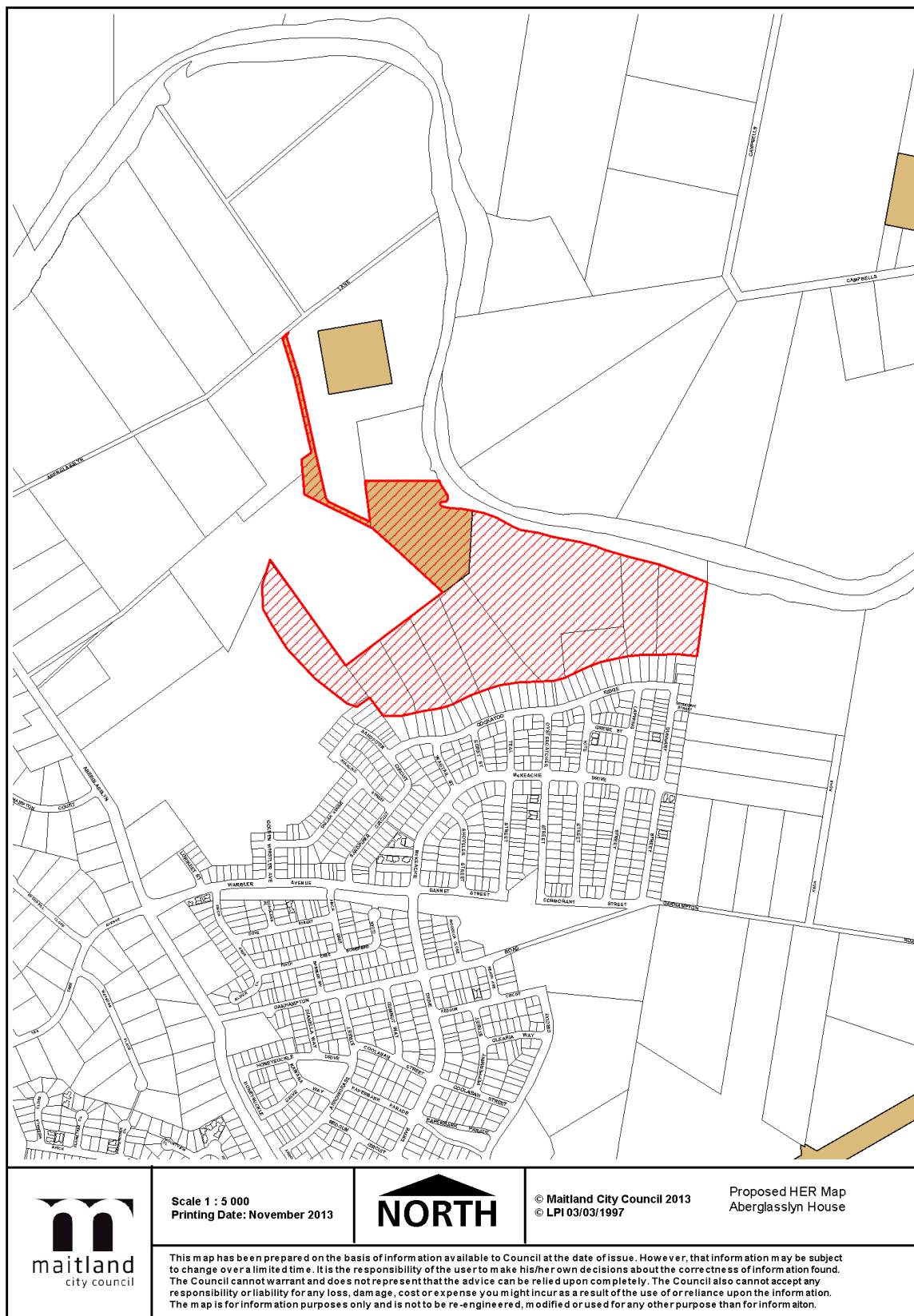


Figure 11: Proposed HER map.

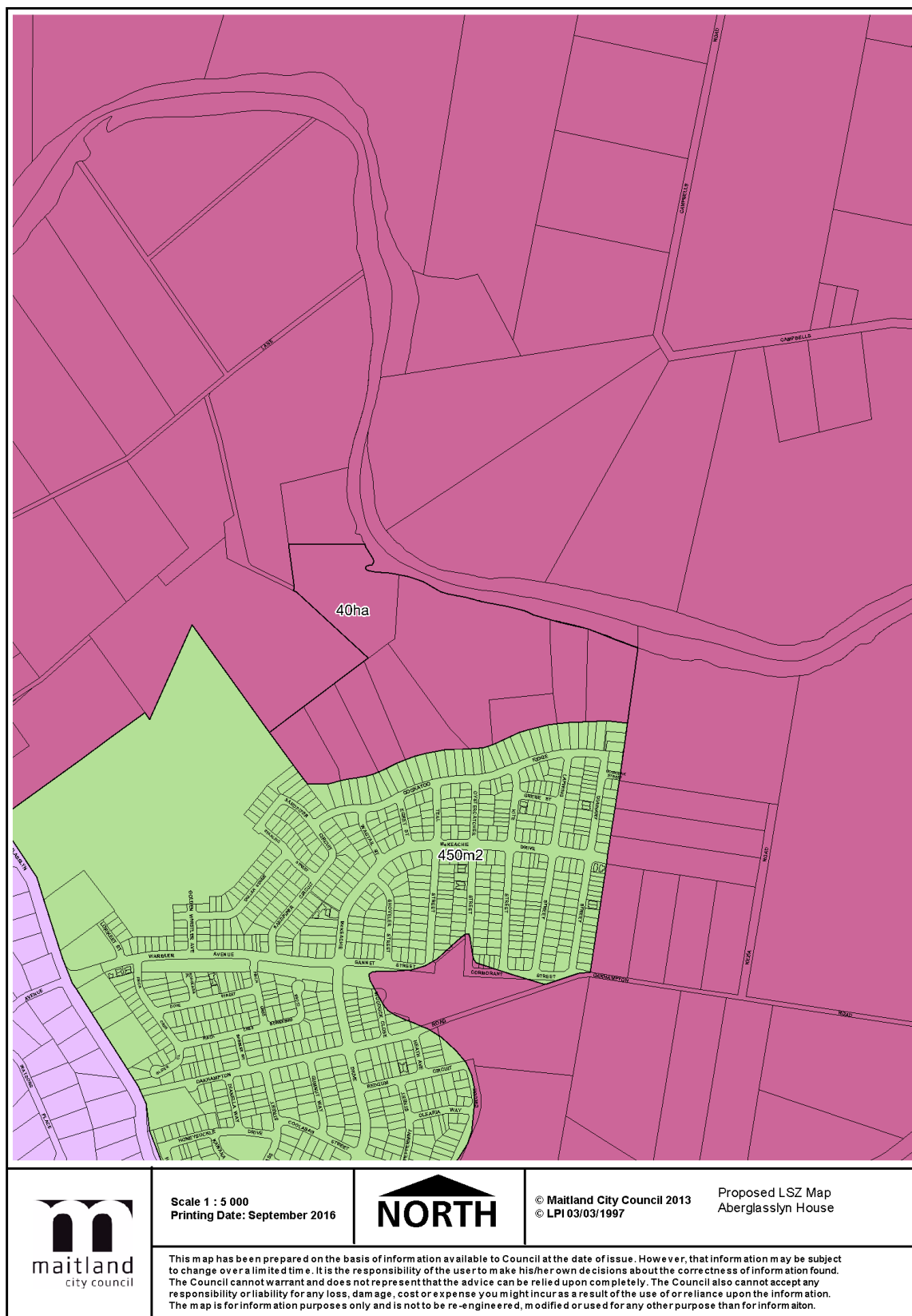


Figure 13: Proposed LSZ map.

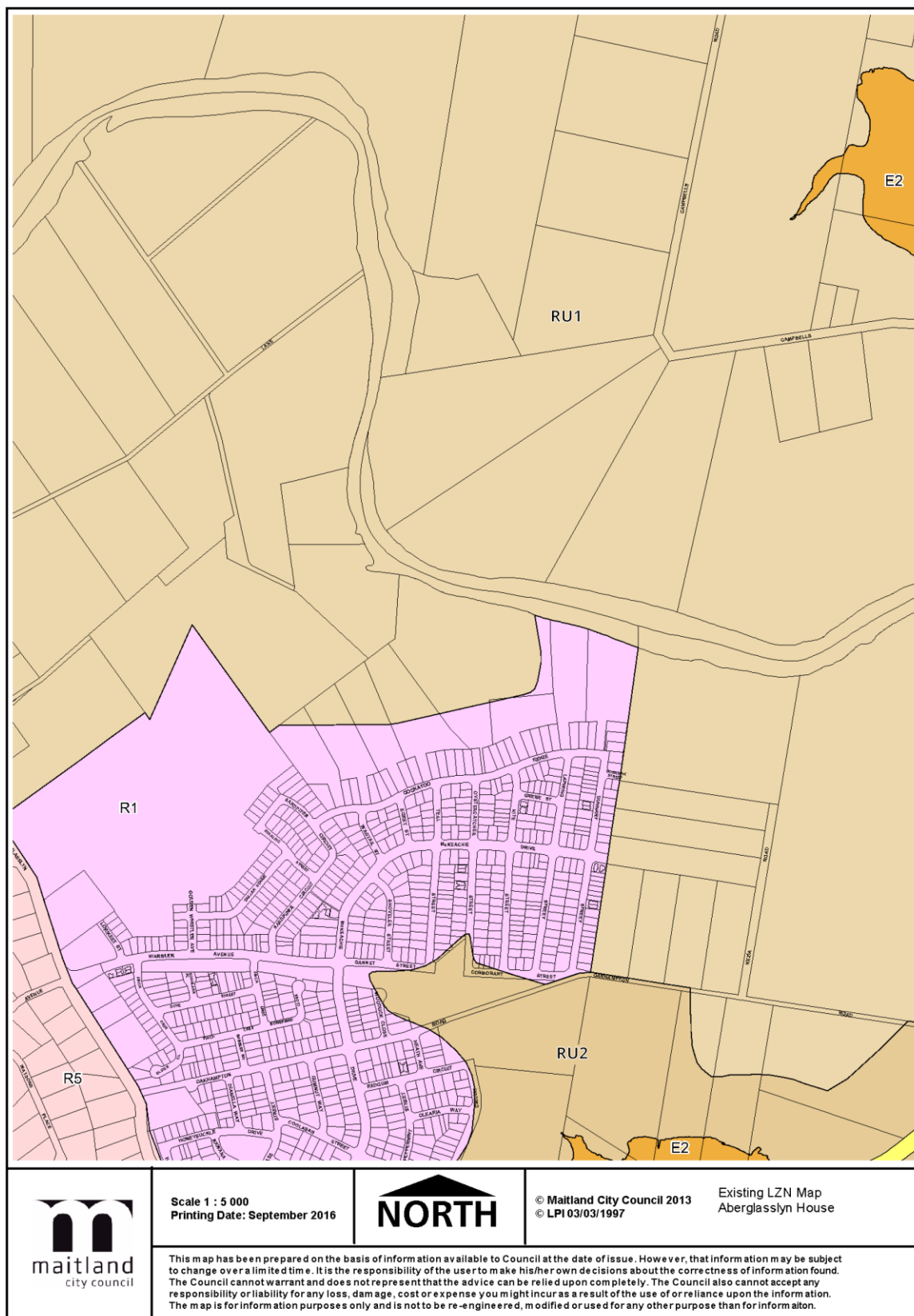


Figure 14: Existing LZN map.

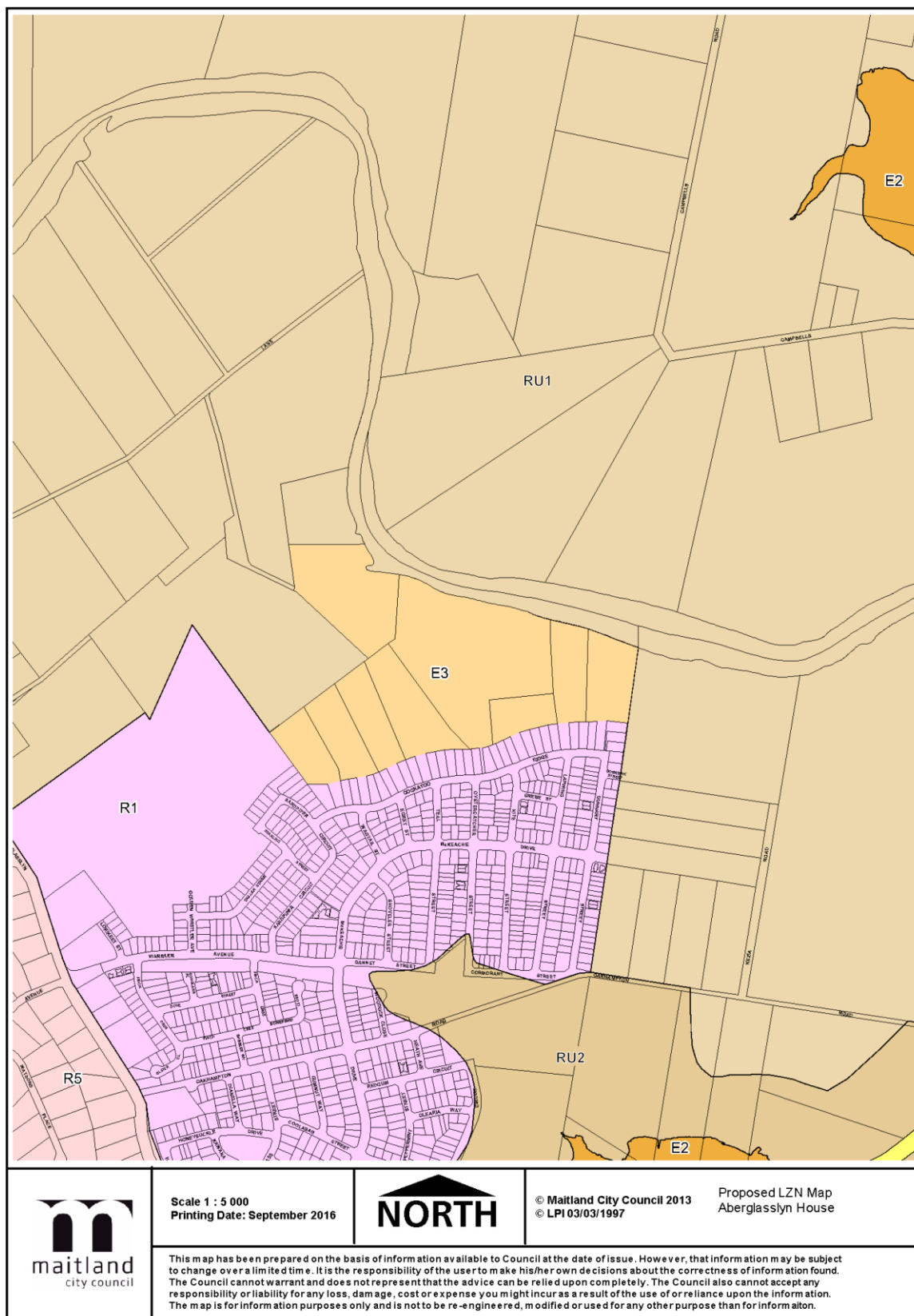


Figure 15: Proposed LZN map.

PART 5: COMMUNITY CONSULTATION

The planning proposal was exhibited for a period of 28 days. Four submissions were received during the exhibition period. A summary of the key issues and a response to these is provided below.

Issue: Why apply an environmental management zone to the area?

Response: One of the objectives of the E3 Environmental Management zone is; *"To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values."* Therefore the zone recognises the cultural significance of Aberglasslyn House and its curtilage. Only very limited exempt development is permitted in the E3 zone.

Issue: Why apply a minimum lot size of 40ha?

Response: A minimum lot size of 40ha is applied to E3 Environmental Management zoned land. This is to prevent further subdivision.

Issue: The purpose of the proposal is to protect the privacy of residents of Aberglasslyn House.

Response: This is not true. The purpose of the proposal is to ensure that Aberglasslyn House and its curtilage remains in an historic, rural setting. The proposal was initiated by Council to address vulnerabilities it identified in the ongoing protection of Aberglasslyn House and its setting caused by changes to local and state planning regulations.

Issue: There are covenants on the land that restricts the use of the land and the construction of buildings.

Response: Changes to Maitland Local Environmental Plan and the NSW planning regulations mean that the covenants are no longer effective at regulating development on the affected properties. The SEPP (Exempt and Complying Development Codes) 2008 permits certain exempt and complying development to occur regardless of the covenant that is in place on the land.

Issue: The change may impact my ability to add further ancillary development.

Response: It is not Council's intention to prohibit low impact development that is sympathetic to the heritage significance of Aberglasslyn House and its curtilage. The changes will require that a development application be submitted to Council for assessment. Council will consider issues such as the location, scale and design of the ancillary structure to ensure that it is sympathetic to the heritage significance of Aberglasslyn House. An application fee is applicable for a development application. Fees are based on value of works. For development <\$5000 the fee is \$110.00.

For development costing between \$5001 and \$50000 the fee is \$170 + \$3 per \$1000. Therefore the fee for a \$20000 development is \$230.

Issue: Several photos included in the report are misleading due to the elevation and the season that they are taken.

Response: The photos were taken by a Council Officer. Regardless of the elevation (first storey of Aberglasslyn House) and the season (reduced screening by deciduous trees) the photos

demonstrate that ancillary buildings are very visible from Aberglasslyn House. Therefore, regulation of structures in this visual catchment is appropriate to protect the integrity of the rural setting of Aberglasslyn House.

Issue: A simpler solution to the change of zone is to create a landscaped buffer.

Response: It is not possible to impose this restriction at this stage and landscaping would not address the other issues associated with the current planning controls including the potential for addition subdivision.

Issue: The lots are already built upon and do not easily provide the opportunity for further subdivision.

Response: The current controls do permit the further subdivision of the R1 General Residential area down to a minimum lot size of 450m².

Issue: The resale value of the land may be affected.

Response: This is unlikely as the use of the land will not change. The only additional imposition is that development in the protected area will require a development application. However, development in this area was always intended to be regulated to protect the curtilage of Aberglasslyn House.

Issue: Will the proposed changes affect the continued use of the site for the storage of an excavator and truck?

Response: The proposal has no impact on the storage of an excavator and a truck associated with the residents' employment.

Issue: The planning proposal is misleading because the description of Aberglasslyn House is purely an emotive and inaccurate picture and predisposition the reader toward the proposal.

Response: The description of Aberglasslyn House was taken from the State Heritage Register listing for the item. A copy of the description can be accessed at:
<http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5045377>

Issue: Will the proposal affect the ability to undertake rural activities such as horse breeding, livestock, rural development with the construction of our rural shed and further opportunities when these arise in the near future?

Response: Extensive agriculture is defined as:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock for commercial purposes,
- (c) bee keeping,
- (d) a dairy (pasture-based).

Extensive agriculture is permitted with consent on E3 Environmental Management zoned land. Where animals are kept for hobby purposes or the land cultivated for non-commercial purposes, no development approval is generally required. However, rural sheds will require development approval.

Issue: There is a number of small businesses operating from the HCA. How will the change affect these?

Response: Home occupations are permitted in the existing and proposed zones without consent. Home businesses are permitted with consent in the existing and proposed zones. Home industries are permitted in the R1 General Residential portion of the property. However, they are not permitted in the E3 Environmental Management area. Agricultural activities and businesses can continue on the E3 zoned with consent.

Issue: Rather than changing the zoning Council could amend its shed and farm building sizes.

Response: These are set in the State Government legislation. Council is unable to change these or provide different sizes locally.

Geoffrey & Janette King

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15 February 2017

Rob Corken

Strategic Town Planner

Maitland City Council

robc@maitland.nsw.gov.au

Dear Mr Corken

Ref No: RZ16/001 – Objection to Planning Proposal

We refer to your letter dated 13 January 2017 regarding the planning proposal to rezone the land to the rear of Aberglasslyn House in the subdivision of McKeachies Run, Aberglasslyn. This Proposal affects our lot of land, 70 Cockatoo Ridge, Aberglasslyn. After reading the planning proposal affecting our land and the "Maitland Local Environmental Plan 2011 Current version for 5 August 2016 to date (accessed 15 February 2017 at 22:02) Zone E3 Environmental Management" we have found the explanation regarding what is permissible and impermissible as vague and therefore strongly object to the proposed rezoning of this land for several reasons.

This planning proposal addresses concerns that the existing development controls are not adequate to ensure that the curtilage of the Aberglasslyn House is protected from inappropriate development associated with the Aberglasslyn Urban Release Area. I question what is regarded as inappropriate development? Nothing has been specified in this planning proposal. Our development has met all of council's requirements to date. All development on our property has occurred over the ridgeline as can be seen in Figure 4. (below). Only the rooflines of the sheds can be seen. This photo has been taken from the upper floors of the house and not at ground height, if the photo was taken from ground height I would challenge if our shed or a majority of our property could be seen at all. Thus the rural aspect as seen below has in fact be maintained. Therefore I believe that our property that is not directly adjacent to Aberglasslyn House has no actual impact on the outlook of Aberglasslyn House.



Figure 4: View from Aberglasslyn House to Aberglasslyn Urban Release Area.

We also question why this impact was not considered by Maitland City Council when Stockland first applied to develop the land and then with every subsequent application by Stockland to alter the original plan that Maitland City Council has approved. I believe that the issues that now exist are a result of MCC application and review process and as one of the landowners involved in this planning debacle I believe the council has not adequately represented us the permanent residents in resolving this issue by looking at alternatives to rezoning our land to resolve the issue of Aberglasslyn House's curtilage. Nor has the council considered the impacts upon the property owners directly affected by the rezoning.

We believe while the proposal has considered Aberglasslyn House's concerns it has not considered the potential economic impact of us the landholders whose land is to be rezoned. Our main economic concerns are

1. the impact on our families livelihood and personal finance as we house our excavator and truck on our land (near our shed) over the ridge line and out of view of Aberglasslyn House but still within the potential rezoned area. Geoff is the main wage earner in our home and the impact of not being able to store our excavator and truck would be detrimental to our family. This was a primary factor of purchasing this land so we would be able to park our truck off the street as per Maitland City Council's guidelines.
2. Another consideration is the additional costs to further develop our property. The current Rural and R1 zoning allows for numerous developments that are exempt as per the Council's 'Exempt Development Checklist'. The proposed E3 zoning is far stricter therefore requiring more applications to Council and additional fees. We had plans to extensively plant and landscape our property which was encouraged by the town planners in all conversations with them during the development of our property.
3. We are also concerned about the potential decreased value of our land. We purchased in accordance with the existing Council LEP in place at the time, the development allowed on the land as per the current Council zoning was a major factor in the purchase price of the land. With the implementing of E3

zoning interest in this type of property will decrease our potential market due to the restrictions upon the land.

We also believe that the planning proposal is misleading to those who are not directly familiar with the area or Aberglasslyn House. We believe the description of Aberglasslyn House is purely an emotive and inaccurate picture and predisposition the reader toward the proposal. The proposal states "It is built of finely worked Ravensfield sandstone with a slate roof," in fact Aberglasslyn House has a modern zincalume roof (as seen in Figure 5) and a tennis court at the rear with chain mail fencing - not the complete picture of 19th century architecture. Not only does the description have inaccuracies but we question the need to delve into the history and importance of Aberglasslyn House when the proposal is in regards to rezoning surrounding properties and not a proposal to alter the building itself. We consider this an attempt to further the predisposition of the reader toward the application of Aberglasslyn House, instead of representing a fair and equal representation of all parties involved.

The rezoning of the land is not going to resolve the issue of curtilage as Aberglasslyn House will still be able to see the current development that has already taken place. We believe the issue about curtilage could be resolved by considering other alternatives rather than resorting to rezoning of our land. The use of planting screens which would not only resolve Aberglasslyn Houses' concerns of unsightly development but also benefit local bird and animal habitats. In fact in Figure 7 which appears to be taken from Aberglasslyn Road one would struggle to locate Aberglasslyn House among the trees that surround it to the west of the house - further supporting the success of planting screens.

We therefore believe the existing zoning is appropriate and should remain in place with discussions of alternatives to resolve the concerns of Aberglasslyn House. We also believe that Maitland City Council has a duty to us the electorate to consider alternatives to rezoning as we the homeowners of the acreages in question reside in this area on a full time basis. The council has a responsibility not only to Aberglasslyn House but also the multiple landowners who are impacted by this decision. We also believe that prior to any further decisions by the council that they are obliged to fully disclose the impacts on the residents effected by offering an opportunity for discussion by meeting with us the concerned parties on site, where we have an opportunity to asks questions and not be baffled by wordy documents that do not fully explain the impact of these changes.

As outlined above, this planned proposal has a potential negative economic and social impact on our family and as landholders affected by the potential rezoning. As a ratepayer of Maitland City Council, we find this whole issue objectionable and

that the impact on us the permanent residents intolerable. We therefore strongly object to any rezoning of our land 70 Cockatoo Ridge Aberglasslyn.

If you require any further information regarding the above, please do not hesitate to contact me.

Regards

Geoffrey and Janette King

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0400387212

16 February 2017

Rob Corken
Strategic Town Planner
Maitland City Council
robc@maitland.nsw.gov.au

Dear Mr. Corken

Ref No: RZ16/001 – Objection to Planning Proposal

I refer to the letter sent by Maitland Council dated 13 January 2017 regarding the Proposal to rezone land nearby Aberglasslyn House. Our land, 64 Cockatoo Ridge, Aberglasslyn is directly affected by these proposed changes.

As an affected neighbour in this planning proposal, I wish to object to the proposal on the following grounds as I believe there are other means available to council to make any required changes and minimise the impact caused by 1 complainant against 8 other properties. I am concerned that the proposed rezoning from R1 450m2 lot areas to E3 40ha area is not valid due to the majority of the affected areas including Aberglasslyn House being on approx. 1.5ha to approx. 3ha lots, so I do not see how a minimum lot size of 40ha would be valid.

In council's background brief of Aberglasslyn House, it is viewed as an incomplete, two-storey, early Victorian house overlooking a bend in the Hunter River. It is built of finely worked Ravensfield sandstone with a slate roof. The reality is that this fine house has been allowed to slowly creep away from its historical values; examples include the addition of a modern astro-turf tennis court & the majority of the slate tiles on the roof being replaced between the period of 2010-2012 with a modern zincalume roof as shown in the pictures below. This can also be observed on Google Earth showing the addition of modern roofing from 2012 on.



Figure 5: View from Aberglasslyn House to Aberglasslyn Urban Release Area.



When we purchased our lot of land on Cockatoo Ridge, we bought it in the confidence that Maitland Council had worked out the finer details with the land developer and that all the covenants that currently restricted our use of the land were more than enough to control any major issues with Aberglasslyn house.

As we do not share a boundary fence with Aberglasslyn House, we do not currently need to discuss our applications for buildings with the owners of Aberglasslyn House but were required to liaise with

Maitland council with the best interest in mind when placing our shed at the lowest possible area on our block & limiting our shed height to be under the required council maximum for this area. Council had no problems with the positioning of this development at the time after inspecting the proposal. I believe the change to E3 zoning may impact my ability to add a further smaller horse stable on my land.

Our area directly behind the building line (R1) was set with conditions that were made quite clear that we could build sheds or farm buildings to a maximum height which were inspected by council during that phase to ensure it was acceptable. This building zone was actually allocated up to the ridge line with most sheds being built well south of the ridge line. I do not understand why the complaint is validated when the owners of Aberglasslyn house have been looking at the old farm house & garage perched on the crest of the ridge line well before they purchased & moved into Aberglasslyn house. The sheds have been set in colours which have all been discussed with council to avoid clashing with the old age look of Aberglasslyn House.

The photo below appears to have been taken from Aberglasslyn road which poses the question that if the 8 landholders directly behind Aberglasslyn House are penalised by the complaint of 1 resident who shares the same ridgeline, why are not the rest of the neighbours of Aberglasslyn house penalised as they share the same lower ground areas. It is plain to see that council has permitted a sand quarry style operation directly across the river in plain view of Aberglasslyn House for many years but the properties to the East, North & West seem to be immune to inclusion in the heritage conservation area whereas they could easily carry out the addition of any farm sheds to the area directly in front of Aberglasslyn House.



Figure 7: Aberglasslyn Urban Release Area - Western Precinct.

It is my belief that several of the photos included in the proposal are biased to suit the application as they appear to be taken in winter to give more emphasis on the ridge line which can be seen at this time of the year due to the lack of leaves on the large amount of trees nestled to the rear of the building. During the other seasons the house is reasonably well shielded by the tree coverage from any events occurring in the paddocks to the rear of Aberglasslyn house. Below is a photo taken from off of my shed 3m off of the ground looking toward Aberglasslyn House, only the zincalume roof is visible in the distance.



The photo below indicates the screening tree coverage provided to Aberglasslyn House to the rear, which is barren during the winter season. We have also commenced growing additional trees on our land to assist giving further privacy to Aberglasslyn House but these trees do take time to grow. I believe that the addition of some tree lines along the fence lines of our properties would be a simpler and more cost effective solution to solving this complaint than the proposal currently set by Council.



Figure 4: View from Aberglasslyn House to Aberglasslyn Urban Release Area.

The photo below is taken from approximately 30m north of the ridge line looking toward Aberglasslyn House, indicating the screening afforded to Aberglasslyn house currently when not in winter.



I disagree with the proposal to change all these areas from 450m² into 40ha/E3 zoning just so that the owners of 8 Cockatoo Ridge & 16 Cockatoo Ridge face a restriction on lot sizes. Both lots are already built on & do not easily offer the opportunity to subdivide to smaller lots due to the position of their houses.

Surely if the council wanted to capture these 2 lots to bring them in line with the other 6 affected lots along Cockatoo ridge, then a simple variation by council to the zoning currently issued to reflect that of the remaining 6 lots could be achieved.

One of the main reasons for buying the property in this area was its current zoning allowing us to build a shed & future horse stables in the southern area of our lot to allow our children the freedom to keep & ride their horses in a wonderful environment, and be able to keep the rear area of our lot as an option to grow feed for our horses when required. I believe I will be heavily discriminated against in the future when applying for horse shelters if our current zoning is changed to E3. This change to E3 may prove to add financial costs against us with an application required for every change we wish to make on our land if this proposal goes ahead.

Our potential to sell our block in the future may be impacted by these changes if the potential buyer is blocked from utilising the land as we currently are able to. The value of our property for future resale may also be heavily reduced.

When building our house, one of the restrictions we faced in our R1 building zone was a limit on how far back the building line was able to go, which restricted us as to what type & style of house we could build on our front area whilst not being able to fully utilise this front part of our property due to the heritage control area which will change if this proposal goes ahead.

It is also unclear with the proposed changes in our allocated building zone which we were unable to be built in can now be built in right up to the proposed E3 zone or if the existing Heritage Control area in the house yard areas will still carry weight. It is unclear if those properties with farm sheds/buildings up to 50m² under exempt development will be now impacted with additional costs to ensure their sheds/buildings are covered under the E3 development or sheds that are currently approved in the R1 zoning & either completed, being built or awaiting final inspection will be impacted by changes under this proposal.

It is unclear if any changes brought in by this proposal will incur a financial loss to us residents for any changes that may need to be made to our buildings if the proposal to E3 goes ahead.

We understand Aberglasslyn House is a significant building for the Maitland area however I believe that by use of other means such as the continuation of establishing clumps of trees along our northern fence lines that Aberglasslyn house can enjoy its own privacy without any concern for what is currently happening in our paddocks.

If any further information regarding the above submission is required, please do not hesitate to contact us.

Yours sincerely

Jayden Boyd & Vanessa Brooks-Boyd

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0428102742

14 February 2017

Rob Corken
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Dear Mr Corken

Ref No: RZ16/001 – Objection to Planning Proposal

We refer to your letter dated 13 January 2017 regarding the Proposal to rezone land nearby Aberglasslyn House. This Proposal affects our land, 8 Cockatoo Ridge, Aberglasslyn.

We object to the Proposal for the following reasons:

1) No consideration of potential negative economic impacts on landholders affected

The Proposal considers many community, State and Commonwealth concerns, it does not contain any consideration of potential negative economic impacts on landholders affected by the re-zoning. Outlined below are 2 potential negative economic impacts on affected landholders:

1a – Increased costs from additional application fees.

The current Rural and R1 zoning allows for numerous developments that are exempt as per the Council's 'Exempt Development Checklist'. The proposed E3 zoning is far stricter (less exemptions) and will therefore require more applications to Council. Each application carries with it an Application Fee, therefore, over time, this Proposal will cost each affected landholder additional Council Fees. At a minimum, affected landholders should be offered as exemption from Council Development Fees in perpetuity should the Proposal go ahead.

1b – Decreased value of affected land.

The land was purchased in good faith in accordance with the existing Council LEP in place at the time of purchase. The developments allowed on the land as per the current Council zoning were a factor in setting the purchase price of the land. By implementing the restrictive E3 zoning, it restricts the range of potential buyers available for the land (e.g. a common purchaser of rural acreages are long haul truck drivers – in this example, the potential purchaser might be restricted from being able to store their commercial vehicles on E3 land, therefore they are no longer an interested purchaser). The only foreseeable outcome of the Proposal is for the range of potential purchasers to be restricted, therefore the only foreseeable impact on land value could be negative.

2) Aberglasslyn House's breach of its own visual curtilage

As seen in Figures 4 and 5, there is a large artificial turf tennis court surrounded by chain link fencing directly in the view pertinent to the visual curtilage (South View) on the grounds of Aberglasslyn House. This tennis court and its surrounding fence is inconsistent with architecture and view for which the curtilage exists and should be considered a breach by Council. This tennis court, on the grounds of Aberglasslyn House would not be allowable on the proposed E3 zoning of the affected lands.

3) Actual Topographical Location of 8 Cockatoo Ridge

As reflected in Figure 2 of the Planning Proposal, our land is located behind a ridgeline and has no actual or potential effect of the visual catchment of Aberglasslyn House. The current zoning is appropriate.

4) Existing zoning of 8 Cockatoo Ridge

The entirety of our land is zoned R1, Council already has approval over any non-exempt developments on our land. The current zoning is appropriate for 8 Cockatoo Ridge.

5) Photos used in Planning Proposal are misleading

Figures 4-7 used in the Planning Proposal are misleading and bias towards the proposal. All of these photos are taken from raised locations to exaggerate the appearance of farm sheds (In particular, Figures 6 and 7 do not detail their location at all, but appear to be from the boundary of Aberglasslyn House's land and therefore are of no relevance to the Proposal).

The visual curtilage is in place to protect the view of Aberglasslyn House, not the view from Aberglasslyn House or indeed, the view from on top of Aberglasslyn House as per Figure 5. The 'classic' photography angle of Aberglasslyn House is from the front of the House (close to the gate), and therefore any photos used in the Proposal should be taken from this angle (no photos in the Proposal are taken from this angle). If the view from Aberglasslyn House is considered to be part of the visual curtilage, then I find it quite arbitrary that only the views to the South are considered relevant, as views to the North and East are of a quarry, including commercial buildings and the view to the West is of existing modern farms in various states of repair (and disrepair).

The Proposal also includes a great deal of information on the history and importance of Aberglasslyn House. As there is no proposal at foot to damage or alter the building itself, I consider this material is included to make the casual reader adopt a protectionist view of Aberglasslyn House, regardless of the actual issues at foot. Indeed, this was the view I encountered when I raised concerns at the initial Council Meeting voting on the Proposal, where Councillor Baker appeared to use the meeting as a chance to offer a general opinion on her love of Aberglasslyn House, rather than actually consider the contents of the Proposal.

6) Is there a better way to achieve the objectives/intended outcomes (page 11)?

Rather than re-zone the land E3, an extremely restrictive zoning which would have property value affects, Council could consider amending its shed and farm building sizes allowable under the various zones. Farm building of up to 200m² or sheds of up to 50m² are much larger than other councils have in their exempt development guidelines.

7) E3 minimum lot size

The Proposal seeks to change the affected land minimum lot size from 450m² to 40ha as per the E3 zoning. Aberglasslyn House itself appears to be on land only approximately 8 acres in size. To implement a minimum lot size for affected land that is 12 times larger than the land at the centre of this Proposal (and 15 times larger than the affected lands themselves) is a demonstration of where the Proposal goes overboard and is an example of where the land subject to re-zoning is inconsistent with land normally zoned E3 (much larger blocks of land used for environmental conservation purposes).

Further, the 450m2 'loophole' seeking to be closed is not materially relevant. Whilst someone could theoretically subdivide the rural land into 450m2 blocks under the current zoning arrangements, Council would still retain approval over any dwellings on them. Selling 450m2 blocks with no right to build on them is simply not a reasonably foreseeable outcome.

As outlined above, the Proposal has a potential negative economic impact on the landholders affected by the rezoning and it is extremely disappointing that as a ratepayer of the Council, this has not been considered prior to this juncture at all.

If you require any further information regarding the above, please do not hesitate to contact me.

Yours sincerely



Ben and Natalie Ireland

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Friday, 17th February 2017

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Maitland City Council
285 – 287 High Street
MAITLAND NSW 2320

Dear Sir

RE: RZ16/001 PLANNING PROPOSAL - AMENDMENT TO THE MAITLAND LEP 2011

I am writing to the Council in regards to the plans to amend the current zoning from RU2 & R1 to E3. We are a direct affected land owner sharing a boundary to Aberglasslyn House, recognising the importance of the history and architecture of the residence is important to the community this is not an argument, but one must also consider that the historic house is not in the hands of the community or public ownership but under private ownership since the early days from when the residence was built. I dare not argue that the residence is grand, wonderful early example building materials, the grand design that these items should and are protected for the better of Aberglasslyn House, but careful consideration must be given to the more recent purchase by the directly affected residents that this amendment will have.

Maitland City Council must acknowledge that when considering development of McKeachie's Estate under the proposal submitted by development company Stockland's that all zoning options must have been painstakingly reviewed to allow the large development.

When the land was put onto the market the developer key sales point was that the land was under the RU2 / R1 zoning – that in fact this was a key to the purchase of the block by our family. Understanding this zoning as allowed our family to conduct rural activities such as horse breeding, livestock, rural development with the construction of our rural shed and further opportunities when these arise in the near future.

Under the current zoning the curtilage of the home is containing to the views to the ridge line, to the left, south east view from the rear of the property there is a house built in the 1970's, directly behind to the south is our property (50 Cockatoo Ridge) which under strict council conditions we built a farm shed all within the heritage area along the ridgeline, building conditions containing colour choices, size and landscape plans all approved by council. One must see that under current zonings there is no way in fact the curtilage would be affected with the strict controls in place under the heritage zones in place.

Now with the plan of introducing the E3 zoning the long term outcome will be direct to the effect of the value of our property, as with the owners of Aberglasslyn House having a direct impact on our long term investment, for our children and grandchildren.

One must consider that Aberglasslyn House is in private ownership therefore the owners are of the net benefit of such a zoning change, if in fact the property was under public ownership would be an argument for another day.

The council's exhibition documents suggest that the planning proposal under the Rural Zone stating ***"This area of land is not used for rural purposes. It is unlikely to be used for rural purposes in the future due to the proximity and encroachment of residential development."*** I would dispute this as would several affected owners. Our family has a past with horse – training for dressage, breeding horse, we have cattle, chickens and goats all for rural purposes. The E3 zoning change states that all affected by such a zone will need **further consent** for rural purposes.

There is no argument that the reason of our pioneering forefathers who built Aberglasslyn House in fact was purely for rural purposes, to relocate and provide income, food production and a future farming industry – the attitude is no different from that era to the current.

Under the planning when the estate was approved the council identified a Heritage Control Area which our lands fall under, these controls are well in fact govern were and what can be built within the RU2 / R1 areas, this is fact was the reason the control the impact of housing and surrounding development on Aberglasslyn House – now did the Council make an error? Or under further weight from the owners of Aberglasslyn House now want to make a direct impact on the new owners to the area.

There is a number of small business operating from the Heritage Control areas throughout the estate, the council states that ***“The proposal will not affect the permissibility of the home occupations.”*** – one can argue that a small home business has been set up in the heritage zone from ones rural shed – does this statement impact on one’s ability to provide an income for one’s family and to the future welfare and sustainability to live in the area – has council considered this as the change will then require any small business to have councils consent.

6.3 Site Specific Provisions –

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

Consistent

The proposal adds additional restrictions on land within the proposed heritage control area. However, this is deemed necessary to ensure the protection of Aberglasslyn House and its curtilage.

The additional restrictions will in fact pose strict restrictions for all heritage control areas within our directly affected land. Recently Origin Energy went through the process of installing a power pole within the boundaries of our land, I contacted Council under the Heritage Control that this directly affected the rear curtilage of Aberglasslyn House, astonishingly Origin Energy was allowed to place the pole directly in the affected area that council now are trying to change again – the land in fact had no poles within the area, the existing power lines were 40+ years old one would think with today’s technology that the transmission wire would be better quality. Now we are blessed with a council who agreed to the inclusion of the unsightly power pole under a strict Heritage Control, as recent as 2016 that allowed this eyesore to be placed onto a directly affected landowner with no curtilage hat was considered with the inclusion of this unsightly ugly eyesore – and to the land owner, the only response was take it to the land and environment court.

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Not applicable.

This is not correct – the area is well known for the Eucalypt die back – under the E3 zone a property owner would need permission / consent to plant further trees in the event of the E3 zone. The property owner would also require permission to have refuge boxes for species as the Frogmouth owl, native birds that are under threat in this local area. I put it to council that this is not the case.

What measures or studies have been completed to date by council or the owners of Aberglasslyn House on the threatened species or their habitats – I suggest none.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Not applicable.

Has the council considered under the zone change to E3 would an affected property owner require consent to deal with land erosion or improvements to prevent erosion? Having to require consent for all activities under E3 zone will affected land now be left as the issue for

10. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal has considered social and economic effects. There may be some additional restriction on development potential for lots within the proposed E3 Environmental Management Area. However, this was always the intended outcome. The planning proposal will not impact adversely on existing subdivisions and development within the Aberglasslyn URA. The revised zone and lot size controls as well as the reinstatement of the heritage conservation area in the LEP are consistent with the development outcome envisaged for the area.

I would disagree with this clause – the change will have a direct effect on the future property value, ability to provide income – I would put it to the council that this was always the intended outcome to have direct effect on our properties value? ability to provide income, ability to have access to future rural development and small home business? As such under existing zones council has the legislation to control all aspects of development and the curtilage of Abberglasslyn house.

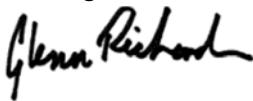
Key Objectives Against the Zone Change from RU2 / R1 to E3:

- Impact of long term effect on Cockatoo Ridge owner's property values
- Aberglasslyn House under private ownership – not public ownership.
- Impact on small home business
- Impact on long term income on small home based business
- Impact on rural activities such as agriculture, livestock and land improvement
- Impact on environmental improvement such as erosion prevention
- Impact on protected species habitats
- Impact on the long term mental health of land owners if such zone changes are made

I advise prior to formal approval of any outcome of the change that council, government measures should undertake further review containing to the above objectives.

Should the council wish to discuss further please contact the undersigned.

Kind regards



Glenn & Jeannie Richardson

Attachments:

- Agree with Current RU2 Zone
- Disagree with Proposed Change from RU2/R1 to E3

maitland
city council

Scale 1 : 5 000
Printing Date: September 2016

NORTH

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Existing LZN Map
Aberglasslyn House

This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change over a limited time. It is the responsibility of the user to make his/her own decisions about the correctness of information found. The Council cannot warrant and does not represent that the advice can be relied upon completely. The Council also cannot accept any responsibility or liability for any loss, damage, cost or expense you might incur as a result of the use of or reliance upon the information. The map is for information purposes only and is not to be re-engineered, modified or used for any other purpose than for information.

p21 | Planning Proposal – Aberglasslyn House HCA



Disagree with Proposed Change from RU2/R1 to E3

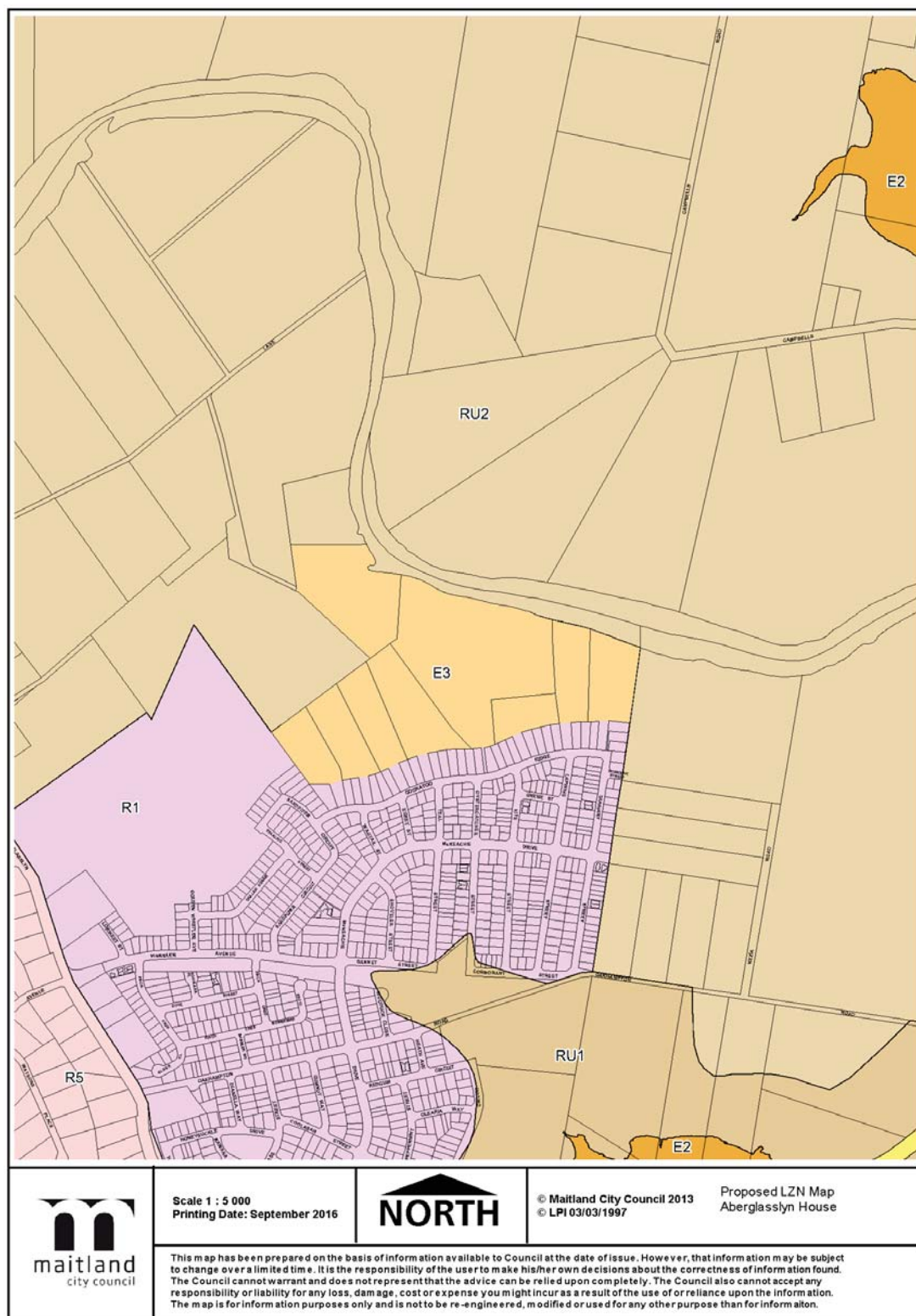


Figure 14: Proposed LZN map.

RESPONSE TO SUBMISSIONS

ISSUE	RESPONSE
Property: 64 Cockatoo Ridge, Aberglasslyn	
I am concerned that the proposed rezoning from R1 450m2 lot areas to E3 40ha area is not valid due to the majority of the affected areas including Aberglasslyn House being on approx. 1.5ha to approx. 3ha lots, so I do not see how a minimum lot size of 40ha would be valid.	A 40ha minimum lot size is commonly placed on environmental and rural lands. This is to ensure that no further subdivision of that land occurs. The existing rural zoned land at 64 Cockatoo Ridge has a 40Ha minimum lot size over it.
In Council's background brief of Aberglasslyn House, it is viewed as an incomplete, two-storey, early Victorian house overlooking a bend in the Hunter River. It is built of finely worked Ravensfield sandstone with a slate roof. The reality is that this fine house has been allowed to slowly creep away from its historical values; examples include the addition of a modern astro-turf tennis court & the majority of the slate tiles on the roof being replaced between the period of 2010-2012 with a modern zincalume roof as shown in the pictures below.	The description of the house and its qualities were copied from the State Heritage Register entry for the site. With exception, work to State Heritage Listed items requires approval.
When we purchased our lot of land on Cockatoo Ridge, we bought it in the confidence that Maitland Council had worked out the finer details with the land developer and that all the covenants that currently restricted our use of the land were more than enough to control	<p>There is a complex framework of regulation that applies to development on these sites. Some of these complexities have arisen since the subdivision was approved. These are summarised below</p> <ol style="list-style-type: none"> 1. The Maitland LEP 1993 was replaced by the MLEP2011. A heritage control area (HCA) around Aberglasslyn House was mapped in the LEP1993 and a local clause was added. When Council was drafting the MLEP2011 the Department of Planning

any major issues with Aberglasslyn house.	<p>and Environment instructed Council to remove the HCA from the LEP and place it in the Development Control Plan. A development control plan is a subordinate instrument meaning that it has less influence than the LEP.</p> <ol style="list-style-type: none"> 2. The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 includes an exempt development type of 'farm buildings'. Farm buildings between 50m²-200m² are permitted in the rural zoned area of the site without any approval. Furthermore, clause 1.20 of the SEPP (Exempt and Complying Development Codes) 2008 overrides the covenant relating to height and floor area. 3. The third issue is that a development approval issued by Council overrides a covenant. Therefore, Council could approve a development that contravenes that covenant.
I believe the change to E3 zoning may impact my ability to add a further smaller horse stable on my land.	"Animal Shelters" is an exempt development type listed in the SEPP (Exempt and Complying Development Codes) 2008 on rural zoned land. Therefore, it is currently possible to erect an animal shelter in accordance with the SEPP development standards without any approval. The proposed change of zone will remove this exemption and a development approval will be necessary. However, Council's interest in the proposal would be to ensure that the size, foot print and design do not detract from the rural character of the curtilage.
Our area directly behind the building line (R1) was set with conditions that were made quite clear that we could build sheds or farm buildings to a maximum height which were inspected by council during that phase to ensure it was acceptable. This building zone was actually allocated up to the ridge line with most sheds being built well south of the ridge line.	As discussed above, the SEPP (E&CDC) 2008 exemptions override the covenant.
It is my belief that several of the photos included in the proposal are biased to suit the application as they appear to be taken in	There are several comments stating that the photos included in the report are bias due to the season (winter) and elevation (from the second storey window).

<p>winter to give more emphasis on the ridge line which can be seen at this time of the year due to the lack of leaves on the large amount of trees nestled to the rear of the building. During the other seasons the house is reasonably well shielded by the tree coverage from any events occurring in the paddocks to the rear of Aberglasslyn house.</p>	<p>The photos included in the report were taken by a Council Officer and were intended to illustrate the visibility of the existing ancillary buildings from the house.</p> <p>Regardless of whether they were taken in winter and from the second storey of the house, they clearly illustrate that ancillary buildings associated with the Aberglasslyn Urban Release Area are appearing above the ridgeline and encroaching on the curtilage of Aberglasslyn House.</p>
<p>I believe that the addition of some tree lines along the fence lines of our properties would be a simpler and more cost effective solution to solving this complaint than the proposal currently set by Council.</p>	<p>It is impossible to regulate landscaping on the sites at this stage.</p>
<p>I disagree with the proposal to change all these areas from 450m2 into 40ha/E3 zoning just so that the owners of 8 Cockatoo Ridge & 16 Cockatoo Ridge face a restriction on lot sizes. Both lots are already built on & do not easily offer the opportunity to subdivide to smaller lots due to the position of their houses.</p> <p>Surely if the council wanted to capture these 2 lots to bring them in line with the other 6 affected lots along Cockatoo ridge, then a simple variation by council to the zoning currently issued to reflect that of the remaining 6 lots could be achieved.</p>	<p>Despite not being easily subdivided and built on, there is still an opportunity for that to occur because the zone and minimum lot size allows for this to occur. It is unlikely that Council would support this. However, it is possible that an approval for subdivision could be issued.</p> <p>In terms of the second statement, this is the intention of the planning proposal.</p>
<p>One of the main reasons for buying the</p>	<p>It is true that the proposed changes will require the submission of development applications</p>

<p>property in this area was its current zoning allowing us to build a shed & future horse stables in the southern area of our lot to allow our children the freedom to keep & ride their horses in a wonderful environment, and be able to keep the rear area of our lot as an option to grow feed for our horses when required. I believe I will be heavily discriminated against in the future when applying for horse shelters if our current zoning is changed to E3.</p> <p>This change to E3 may prove to add financial costs against us with an application required for every change we wish to make on our land if this proposal goes ahead.</p>	<p>for sheds and animal shelters. Fees are based on value of works. For development <\$5000 the fee is \$110.00.</p> <p>For development costing between \$5001 and \$50000 the fee is \$170 + \$3 per \$1000. Therefore the fee for a \$20000 development is \$230.</p> <p>Council's interest in development of the site for ancillary structures is only to ensure that the structure is of a size, scale and design is compatible with the heritage of Aberglasslyn House. It is unlikely that Council would not be able to negotiate a shed or animal shelter that is reasonably designed and placed on any of the affected sites.</p>
<p>Our potential to sell our block in the future may be impacted by these changes if the potential buyer is blocked from utilising the land as we currently are able to. The value of our property for future resale may also be heavily reduced.</p>	<p>There is no blocking of development occurring. The proposed changes are consistent with the original intent of the land. The regulatory framework has changed. Therefore, a change of zoning is required to ensure that the curtilage of Aberglasslyn House is maintained.</p> <p>The value of the land is unlikely to be affected by the proposal as there is no change to the intention of the use of the land as primarily residential.</p>
<p>When building our house, one of the restrictions we faced in our R1 building zone was a limit on how far back the building line was able to go, which restricted us as to what type & style of house we could build on our front area whilst not being able to fully utilise this front part of our property due to the heritage control area which will change if this</p>	<p>The covenant will remain in place that provides a restriction over the building envelope. However the heritage control area as proposed in the LEP will be "pulled-back" to the rear boundary of the properties along Cockatoo Ridge. This is because dwellings have already been constructed on each of the lots in accordance with the covenant requirements.</p> <p>Maintaining this slither of heritage control area over these sites would impose restrictions that are no longer necessary.</p>

<p>proposal goes ahead.</p> <p>It is also unclear with the proposed changes in our allocated building zone which we were unable to be built in can now be built in right up to the proposed E3 zone or if the existing Heritage Control area in the house yard areas will still carry weight. It is unclear if those properties with farm sheds/buildings up to 50m2 under exempt development will be now impacted with additional costs to ensure their sheds/buildings are covered under the E3 development or sheds that are currently approved in the R1 zoning & either completed, being built or awaiting final inspection will be impacted by changes under this proposal. It is unclear if any changes brought in by this proposal will incur a financial loss to us residents for any changes that may need to be made to our buildings if the proposal to E3 goes ahead.</p>	<p>Farm sheds and other development that is exempt under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 will no longer be exempt development under the proposed changes. However, it was always intended to control ancillary development within the curtilage of Aberglasslyn House.</p>
<p>We understand Aberglasslyn House is a significant building for the Maitland area however I believe that by use of other means such as the continuation of establishing clumps of trees along our northern fence lines that Aberglasslyn house can enjoy its own privacy without any concern for what is currently happening in our paddocks.</p>	<p>It is not a matter of privacy. The issue is the protection of the curtilage of the house (the setting of the house in the original rural landscape). Clumps of trees cannot be regulated.</p>
<p>70 Cockatoo Ridge, Aberglasslyn</p>	

<p>This planning proposal addresses concerns that the existing development controls are not adequate to ensure that the curtilage of the Aberglasslyn House is protected from inappropriate development associated with the Aberglasslyn Urban Release Area. I question what is regarded as inappropriate development? Nothing has been specified in this planning proposal.</p>	<p>The rules and regulations around development have changed since the subdivision was originally approved. Specifically, the Maitland Local Environmental Plan 1993 was replaced by the Maitland Local Environmental Plan 2011 and the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 introduced exemptions for certain developments. Development that has occurred on the lots to date is consistent with the intended outcome. However, the SEPP (E&CDC) 2008 allows farm buildings with an area of 50m² and 200m² and other structures to be built without any approval. This was not the intent of the original approval and the covenant. Furthermore, the MLEP2011 allows with consent the further subdivision of the R1 area to create lots with a minimum area of 450m². This would be considered inappropriate development.</p> <p>The intent of the original approval was to allow some modest, scattered ancillary buildings within the curtilage area that were designed, sited and built in a way that did not undermine the heritage curtilage of Aberglasslyn House.</p>
<p>Concerns regarding the continued use of the site for the storage of an excavator and truck.</p>	<p>The proposal has no impact on the storage of an excavator and a truck associated with the residents' employment.</p>
<p>Another consideration is the additional costs to further develop our property. The current Rural and R1 zoning allows for numerous developments that are exempt as per the Council's 'Exempt Development Checklist'. The proposed E3 zoning is far stricter therefore requiring more applications to Council and additional fees. We had plans to extensively plant and landscape our property which was encouraged by the town planners in all conversations with them during the development of our property.</p>	<p>The existing covenant over the site sets what was intended to be permitted on the site. The change to the regulations means that the intent of the covenant is no longer assured. If the residents wish to erect an ancillary building, a development application will be required. The current fee for a proposal that is <\$5000 in value is \$110.00. For works with a value of \$25000 the fee is \$170 + \$3 per \$1000 (or part) = \$245.00.</p> <p>Landscaping does not require any approval. However, certain earthworks may require approval.</p>
<p>We are also concerned about the potential decreased value of our land. We purchased in</p>	<p>The proposed changes will only reinforce the originally intended outcomes for the site. The properties will remain large residential lots with the E3 land within the HCA being used for</p>

<p>accordance with the existing Council LEP in place at the time, the development allowed on the land as per the current Council zoning was a major factor in the purchase price of the land. With the implementing of E3 zoning interest in this type of property will decrease our potential market due to the restrictions upon the land.</p>	<p>appropriate rural activities.</p>
<p>We also believe that the planning proposal is misleading to those who are not directly familiar with the area or Aberglasslyn House. We believe the description of Aberglasslyn House is purely an emotive and inaccurate picture and predisposition the reader toward the proposal. The proposal states "It is built of finely worked Ravensfield sandstone with a slate roof," in fact Aberglasslyn House has a modern zincalume roof (as seen in Figure 5) and a tennis court at the rear with chain mail fencing - not the complete picture of 19th century architecture. Not only does the description have inaccuracies but we question the need to delve into the history and importance of Aberglasslyn House when the proposal is in regards to rezoning surrounding properties and not a proposal to alter the building itself. We consider this an attempt to further the predisposition of the reader</p>	<p>The description of Aberglasslyn House was taken from the State Heritage Register listing for the item. A copy of the description can be accessed at: http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5045377</p>

toward the application of Aberglasslyn House, instead of representing a fair and equal representation of all parties involved.	
<p>The rezoning of the land is not going to resolve the issue of curtilage as Aberglasslyn House will still be able to see the current development that has already taken place. We believe the issue about curtilage could be resolved by considering other alternatives rather than resorting to rezoning of our land. The use of planting screens which would not only resolve Aberglasslyn Houses' concerns of unsightly development but also benefit local bird and animal habitats. In fact in Figure 7 which appears to be taken from Aberglasslyn Road one would struggle to locate Aberglasslyn House among the trees that surround it to the west of the house - further supporting the success of planting screens.</p>	<p>The purpose of the rezoning is to ensure that any development that occurs within the defined curtilage of the house receives the necessary scrutiny by Council. The controls that were originally put in place to minimise the impact of ancillary dwellings are no longer effective because of changes to the MLEP and the SEPP.</p> <p>The development that has already occurred is sympathetic to the curtilage and generally consistent with the intent. However, the controls that have been effective to date are no longer effective due to changes to the local and state government development policy. Therefore, to maintain the integrity of the curtilage it is necessary to apply the proposed changes to the MLEP.</p> <p>Landscaping of plants at this stage cannot be regulated.</p>
50 Cockatoo Ridge, Aberglasslyn	
<p>Understanding this zoning has allowed our family to conduct rural activities such as horse breeding, livestock, rural development with the construction of our rural shed and further opportunities when these arise in the near future.</p>	<p>Extensive agriculture is defined as:</p> <ul style="list-style-type: none"> (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes, (b) the grazing of livestock for commercial purposes, (c) bee keeping, (d) a dairy (pasture-based). <p>Extensive agriculture is permitted with consent on E3 Environmental Management zoned land.</p> <p>Where animals are kept for hobby purposes or the land cultivated for non-commercial</p>

	purposes, no development approval is required.
The council's exhibition documents suggest that the planning proposal under the Rural Zone stating "This area of land is not used for rural purposes. It is unlikely to be used for rural purposes in the future due to the proximity and encroachment of residential development." I would dispute this as would several affected owners. Our family has a past with horse – training for dressage, breeding horse; we have cattle, chickens and goats all for rural purposes. The E3 zoning change states that all affected by such a zone will need further consent for rural purposes.	Council wishes to clarify this statement. By 'rural purposes' it is meant where the primary use of the land is agriculture for commercial purposes. The subject lots may be used for rural activities such as those described in the submission; however, they are primarily residential lots.
One must see that under current zonings there is no way in fact the curtilage would be affected with the strict controls in place under the heritage zones in place.	The 'strict' controls that were in place have been affected by changes in the state legislation. These are no longer effective to protect the curtilage of Aberglasslyn House from ancillary development.
Maitland City Council must acknowledge that when considering development of McKeachie's Estate under the proposal submitted by development company Stockland's that all zoning options must have been painstakingly reviewed to allow the large development.	The rezoning of the Aberglasslyn Urban Release Area was originally undertaken under the Maitland Local Environmental Plan 1993. That LEP had controls that provided additional protection for Aberglasslyn House. Those controls were removed when the MLEP1993 was replaced by the MLEP2011. In addition, the SEPP (Exempt and Complying Development Codes) 2008 allows farms sheds to be constructed without any approval provided they are .
The RU2/R1 zoning has allowed our family to conduct rural activities such as horse breeding, livestock, rural development with the construction of our rural shed and further opportunities when these arise in the near	With the exception of rural sheds, these activities will remain permitted without any approval within the E3 Environmental Management zone (provided they are not of a non-commercial nature). A development application will be required for a rural shed and commercial rural activities. However, Council's interest in that application will be to ensure that the location and size of the shed is sympathetic to Aberglasslyn House.

future.	
The proposal will have a direct effect on the value of our property. The owners of Aberglasslyn House are the net beneficiaries of the zoning change.	The proposal is a Council initiated change to restore what was originally intended for the area and to prevent inappropriate development within the curtilage of Aberglasslyn House and the further subdivision and development of the rear of the lots. There is no evidence that the change of zoning will result in the decreased value of the land. The zoning replicates the restrictions that already exist on the land by the covenants.
There is a number of small businesses operating from the HCA . How will the change affect these?	Home occupations are permitted in the existing and proposed zones without consent. Home businesses are permitted with consent in the existing and proposed zones with consent. Home industries are permitted in the R1 General Residential portion of the property. However, they are not permitted in the E3 Environmental Management area.
Origin Energy has recently installed a power pole within the property without any consideration of the heritage controls.	Under clause 43(1)(b) of the State Environmental Planning Policy (Infrastructure) 2007 replacement of electricity distribution network in exempt development and therefore not subject to heritage controls. This will not change with the changes proposed in this report.
Under an E3 zone owners will need permission to plant further trees and refuge boxes for species that are threatened in the local area.	No approvals are required to plant trees or install refuge boxes on a domestic scale anywhere in State.
Would a property owner require consent to deal with soil erosion in an E3 Environmental Management zone.	No. However, certain thresholds of earthworks may require approval.
8 Cockatoo Ridge, Aberglasslyn	
Negative economic impacts from increased costs of additional applications fees.	Applications for ancillary buildings will be required with the change of land use zone. The current fee for a proposal that is <\$5000 in value is \$110.00. For works with a value of \$25000 the fee is \$170 + \$3 per \$1000 (or part) = \$245.00.
Decreased value of affected land by additional restrictions on the use of the land. For example, not allowing the parking of heavy vehicles to be parked in the rear yard.	There is no evidence that the change of zoning will result in the decreased value of the land. The zoning replicates the restrictions that already exist on the land by the covenants. Parking of 'commercial vehicles' such as trucks and heavy vehicles associated with employment of the residents does not require approval of Council in any zone.

	Furthermore, 'Home Businesses' and 'Home Occupations' are permitted in the RU1, E3 and R1 zones.
Aberglasslyn House has breached its own visual curtilage by its tennis court.	The tennis court was constructed before existing controls were in place. Under the existing development policies it would not be exempt development. This initiative is not designed to prohibit development within the curtilage. It is designed to require approval for various types of development so that an assessment can be made on the impact of the development on the curtilage of the house.
The land is topographically located behind the ridgeline.	The zoning and covenant restrictions were informed by the "Heritage Assessment and Curtilage Study" prepared by Jill Sheppard Heritage Consultants. The subject land is located within "Zone 3" that is described as: The buffer zone around the ridge line where a scatter of a few widely spaced buildings may be acceptable."
Photos used in the planning proposal are misleading because they are taken from raised locations to exaggerate the appearance of farm sheds.	This is not true. The sheds are visible from ground level also. The purpose of this exercise is to illustrate the location of the existing sheds. It is expected that ancillary buildings will be permitted. However, without the changes sheds up to 50m ² /200m ² can be built without any approval.
The visual curtilage is in place to protect the view OF Aberglasslyn House, not the view FROM Aberglasslyn House.	Visual curtilage is the view to and from Aberglasslyn House. The significance of Aberglasslyn House is in the building and its historic setting. Maintaining the house in a rural setting is an important part of the heritage conservation of the building and the interpretation and understanding of the site. Small rural-type structures such as animal shelters and sheds are consistent with a rural setting. However, these need to be regulated to ensure the number, size, design and location are consistent with heritage qualities of the curtilage.
Rather than changing the zoning Council could amend its shed and farm building sizes.	These are set in the State Government legislation. Council is unable to change these or provide different sizes locally.
The minimum lot size of 40ha is 12 times larger than the land at the centre of this Proposal. It is an example where the proposal goes overboard.	It is standard practice to apply a 40Ha minimum to land zoned RU1/RU2/E2 and E3. A minimum lot size of 40ha is already applied to the rural portion of land that is subject to this proposal.
Whilst it is theoretically possible to subdivide the rural land into 450m ² blocks under the	It is legally possible to apply to subdivide the area of the lots zoned R1 General Residential and with a minimum lot size of 450m ² . If a subdivision was approved, residential

current zoning arrangements, Council would still retain approval over any dwellings on them.	development would be complying development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
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PART 6: TIMEFRAMES

PROJECT TIMELINE	DATE
Anticipated commencement date (date of Gateway determination)	January 2016
Anticipated timeframe for the completion of required studies	N/a
Timeframe for government agency consultation (pre and post exhibition as required by Gateway Determination) (21 days)	February 2017
Commencement and completion dates for public exhibition period	March 2017
Dates for public hearing (if required)	N/a
Timeframe for consideration of submissions	April 2017
Timeframe for the consideration of a proposal post exhibition	May 2017
Anticipated date RPA will forward the plan to the department to be made (if not delegated)	June 2017
Anticipated date RPA will make the plan (if delegated)	August 2017
Anticipated date RPA will forward to the department for notification (if delegated)	December 2017