

11.2 PLANNING PROPOSAL - ADDITIONAL PERMITTED LAND USE 11 METFORD ROAD EAST MAITLAND
OWNER: MAITLAND CITY COUNCIL

FILE NO:	RZ21/001
ATTACHMENTS:	1. Locality Map 2. Zoning Map 3. Planning Proposal
RESPONSIBLE OFFICER:	Matthew Prendergast - Group Manager Planning & Environment Andrew Neil - Manager Strategic Planning
AUTHOR:	Jessica Stockham - Senior Development Planner
MAITLAND +10	Outcome 11. Our villages, suburbs, towns and City
COUNCIL OBJECTIVE:	11.3.3 To position Central Maitland and East Maitland as strategic centres within the Greater Newcastle Metropolitan area

EXECUTIVE SUMMARY

Council has received an application to amend the Maitland LEP 2011 by providing an additional permitted land use being an Animal Boarding or Training Establishment at 11 Metford Road East Maitland Lot 1 DP1274406.

The proposal will facilitate development of the subject land for the purposes of operating an animal boarding establishment. The proposal is a Council initiated application.

The subject site is situated to the east of Metford Road and is currently zoned RE1 Public Recreation. The total site area is 5,743m² and contains the existing administration facility (timber cottage), animal holding facilities, small shed, cattle yard, fencing, hardstand and paddocks. This RE1 Public Recreation zone was placed on the area due to the surrounding land to the north, east and west being zoned 6(a) under the LEP 1993.

Since the 1960s the site historically was used as a public administration building for Council rangers (for administrative purposes) and an animal shelter in conjunction with a contracted agreement with the RSPCA. Animals would be held at the subject site prior to being claimed by the owner or relocated to the RSPCA facility in Rutherford. The subject site is now being pursued as a primary animal impound facility for Maitland City Council.

Under the LEP 1993 the site was zoned 5(a) Special Uses and the comparative zone under the Standard Instrument was SP1 Special Activities. It was determined SP1 zones were for special land uses that are not provided for in other zones (i.e., SP1 Cemeteries). Given the RE1 zone included public administration buildings as permissible with consent it was determined during

the transition phase to the LEP 2011 the subject site be zoned RE1 as it would continue to enable a range of community facilities, public utilities and compatible land uses on the site.

The proposed additional land use is considered an effective way to enable the site to continue to function and reinstate previous permissible uses on the site. While there is currently no commercial activity associated with the existing facility, going forward, should the land be predominately used for the boarding of animals the additional land use would mean the site would not be burdened by the existing permissibility restrictions associated with the land use zoning. The proposed additional land use is considered an effective way in which an appropriate land use can continue to operate and function in this location.

The proposal is consistent with the planning objectives of the Hunter Regional Plan 2036, Greater Newcastle Metropolitan Plan 2036, Maitland Local Strategic Planning Statement 2040 and relevant State Environmental Planning Policies and Section 9.1 Local Planning Directions. These growth strategies all promote the planning principle of efficient and sustainable use of essential infrastructure and land.

The purpose of this report is to provide an overview of the amendment proposal and seek a resolution of Council to forward the planning proposal to the Minister of Planning for a Gateway determination.

OFFICER'S RECOMMENDATION

THAT

- 1. Council endorse the attached planning proposal and pursuant to section 3.34 of the *Environmental Planning and Assessment Act 1979*, forward the planning proposal to the Minister for Planning for a Gateway determination.**
- 2. Subject to receiving a favourable response from the Minister, Council proceed to public exhibition of the planning proposal, in accordance with the requirements of the Gateway determination.**
- 3. Following the public exhibition process, a report be presented back to Council for consideration of any submissions received.**
- 4. The Department of Planning and Environment be advised that Council is seeking authorization to use its delegated functions under Section 3.36 of the *Environmental Planning and Assessment Act 1979* to make the Plan, following completion of community consultation.**

COUNCIL RESOLUTION

THAT

1. Council endorse the attached planning proposal and pursuant to section 3.34 of the *Environmental Planning and Assessment Act 1979*, forward the planning proposal to the Minister for Planning for a Gateway determination.
2. Subject to receiving a favourable response from the Minister, Council proceed to public exhibition of the planning proposal, in accordance with the requirements of the Gateway determination.
3. Following the public exhibition process, a report be presented back to Council for consideration of any submissions received.
4. The Department of Planning and Environment be advised that Council is seeking authorization to use its delegated functions under Section 3.36 of the *Environmental Planning and Assessment Act 1979* to make the Plan, following completion of community consultation.

Moved Cr P Garnham, Seconded Cr M Griffin

CARRIED

For:	Cr R Aitchison	Against:
	Cr L Baker	
	Cr D Ferris	
	Cr P Garnham	
	Cr M Griffin	
	Cr S Halliday	
	Cr H Meskauskas	
	Cr B Mitchell	
	Cr N Penfold	
	Cr P Penfold	
	Cr B Whiting	
	Cr M Yarrington	