

New local clause to allow the subdivision of split zoned urban/ non-urban lots

Proposal Title : **New local clause to allow the subdivision of split zoned urban/ non-urban lots**

Proposal Summary : **The Planning Proposal (PP) would introduce a local clause that would allow for the subdivision of lots that are split zoned urban/ non-urban and do not satisfy the minimum lot size (4.1A of the Maitland LEP 2011), across the LGA.**

This PP was formerly part of PP_2013_MAITL_001_00. The Gateway, when considering PP_2013_MAITL_001_00, decided that the local clause component of that PP should be removed and form its own separate PP.

The Planning Team Report for PP_2013_MAITL_001_00 contains the regional team's assessment of the new local clause. Similarly, the documentation provided by Council (letter, report and Planning Proposal) for PP_2013_MAITL_001_00 contains Council's consideration of the proposed new local clause.

PP Number : **PP_2013_MAITL_002_00** Dop File No : **13/09467**

Proposal Details

Date Proposal Lodged with DOP : **08-May-2013** Date Proposal Uploaded to Public Website : **04-Jun-2013**

Proposal Assessment

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

Agencies Requested to Consult : **None**

Gateway Determination

Decision Date : **06-Jun-2013** Gateway Determination : **Passed with Conditions**

Due Date of LEP : **13-Jun-2014**

Implementation

Implementation Start Date : **13-Jun-2013** Exhibition Duration : **31**

Agency consultation consistent with recommendation : **Yes**

If No, comment : **The Department of Primary Industries - Agriculture**

Agency Objections : **No**

If Yes, comment : **The Department of Primary Industries - Agriculture was invited to comment on the proposal. No response has been received.**

Documentation consistent with Gateway : **Yes**

If No, comment : **The Minister did not issue an authorisation for Council to exercise its delegations to make the plan because the subdivision of split zoned land is a state-wide issue and a consistent approach was preferred.**

The planning proposal was amended to include a new zone objective for the E4 zone. This objective has been prepared as required.

CONSULTATION

The Planning Proposal was exhibited for a total of 28 days in accordance with the Gateway Determination from 13 November to 13 December 2013. Two submissions were received.

One submission sought clarification of the clause to which Council provided an explanation of the objective of the PP.

The second submission questioned why the RU1 Primary Production zone was not included.

RU1 Primary Production Zone was included in the clause as there are some properties where RU1 zoned areas are flood prone and cannot be zoned residential and therefore are split zoned. The nature of flood prone land mapping is that it does not correspond to linear zone boundaries and therefore the clause apply in these instances.

S117 DIRECTIONS AND STATE POLICIES

Proposal is consistent with all other Ministers S117 Directions and State policies.

MAKE THE PLAN

A PC Opinion was issued on 23 May 2014. Council was consulted in accordance with s59(1) and accepted the drafting of the instrument.

LEP Assessment

Date Received from RPA : **17-Feb-2014**

LEP Determination

DatePublishNotification

Date sent to Parliamentary Council to Draft LEP : **01-Apr-2014**

Determination Date :

Determination Decision :

Notification Date :