

10.3 POST-EXHIBITION REPORT - HOUSEKEEPING LEP 2012

File No:	103/149
Attachments:	1. Planning Proposal 2. Gateway Determination 3. Submissions & Response to Submissions
Responsible Officer:	Bernie Mortomore - Executive Manager Planning, Environment and Lifestyle Ian Shillington - Manager Urban Growth
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Maitland +10	Outcome 7. Diverse and affordable housing
Council Objective:	7.2.1 To ensure land and housing choice is consistent with forecast demographic demand

EXECUTIVE SUMMARY

On 11 June 2013 Council resolved to submit a planning proposal to the Department of Planning and Infrastructure, seeking an amendment to the Maitland LEP 2011. The draft Local Environmental Plan (LEP), known as the Housekeeping LEP 2012, was prepared in order to rectify the noted anomalies contained within the current Maitland Local Environmental Plan 2011 (MLEP 2011).

*The Department of Planning made a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act, 1979. The Gateway Determination stated that the planning proposal was to be exhibited for a minimum period of fourteen (14) days, in accordance with the provisions of Section 57 of the Environmental Planning and Assessment Act, 1979. The Council resolution from 11 June 2013 stated that a further report would be presented to Council following the public consultation process. Following that particular report being presented to Council on 10 September 2013, re-exhibition of the plan was undertaken for a period of 14 days, given consideration to the submissions received, the need to amend some existing items in the draft LEP, and the need to add some other items of minor significance to the draft LEP. The planning proposal (as exhibited and re-exhibited) is included in this report under **Attachment 1**.*

This report has the purpose of summarising and providing a response to all of the submissions received during both rounds of the public consultation process.

OFFICER'S RECOMMENDATION**THAT**

- 1. In accordance with Section 57 & 58 of the Environmental Planning and Assessment Act 1979, Council note the submissions received during the exhibition and re-exhibition periods, and the responses to those submissions.**
 - 2. Council note the changes that were made to the proposed LEP amendment following the initial exhibition period and note that no further changes were made following the re-exhibition period.**
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3. In accordance with section 59 of the Environmental Planning & Assessment Act 1979, Council submit the planning proposal to the Department of Planning & Infrastructure requesting that the Minister make the LEP.

BACKGROUND

The MLEP 2011 was gazetted on the 16th December 2011. The MLEP 2011 was prepared in accordance with the Department of Planning & Infrastructure's Standard Instrument Order 2006, which has the objective of ensuring statewide consistency regarding comprehensive LEPs. The preparation of the new comprehensive MLEP 2011 was a deviation from previous formats of Council's comprehensive LEPs such as the MLEP 1993 and MLEP 1986. As such, some elements, for example template mapping and standard provisions, are contained in the MLEP 2011 that were not previously required to be included under Council's former comprehensive LEPs. Through application of the MLEP 2011 since its inception, Council's planning staff have noted several minor anomalies that are predominantly a result of the format change and transfer of items and mapping from the MLEP 1993 to the MLEP 2011. A Gateway Determination was processed by the Department of Planning on 10 July 2013, permitting public exhibition of the planning proposal in accordance with Section 57 of the Environmental Planning and Assessment Act, 1979. The Gateway Determination is annexed to this report as **Attachment 2**. The draft Housekeeping LEP 2012 was exhibited for 14 days, resulting in minor changes and the inclusion additional items. On 10 September 2013 Council resolved to re-exhibit the draft LEP for a further 14 day period, addressing the minor changes and initial submissions received. The purpose of this report is to provide an overview of the submissions received during both exhibition periods, confirm that no further changes are proposed, and to seek finalisation of the draft LEP amendment.

POLICY CONTEXT

The MLEP 2011 is Council's principal statutory planning instrument that governs land use planning decisions within the Maitland LGA. The draft Housekeeping LEP 2012 relates to minor anomalies and items that are considered to be noncontroversial in their nature. Rectification of these items will ensure that the MLEP 2011 is up to date in regards to mapping, provisions and State standards.

CONSULTATION

The Department of Planning processed a Gateway Determination on 10 July 2013 which outlined the requirements for community consultation associated with this proposal. The Department stipulated a minimum exhibition period of 14 days for the proposal. There was a requirement for consultation with the NSW Office of Environment and Heritage (see **Attachment 2**). No other additional public authorities were consulted. The planning proposal (including draft LEP mapping) was initially exhibited between 31 July 2013 and 14 August 2013. Following Council's resolution of 10 September 2013, the planning proposal was re-exhibited for a further 14 days, identifying the minor amendments and inclusion of additional items resulting from the initial consultation process.

SUBMISSIONS

Council received a total of seven (7) submissions from the two (2) exhibition periods (see **Attachment 3**). Variations were made following the initial 14 day exhibition period, but no further variations were made to the planning proposal following the 14 day re-exhibition period. All variations that were made following the initial exhibition period are detailed in the planning proposal (see **Attachment 1**) that was reported to Council for re-exhibition on 10 September 2013.

SUBSEQUENT GATEWAY PLANNING STEPS

If Council resolves to finalise the draft LEP, a request will be made to the Department of Planning & Infrastructure for the finalisation and making of the LEP amendment.

The Gateway Determination identifies that the timeframe for completing the LEP is 6 months from the week following the date of the Gateway Determination. The Gateway Determination was issued on the 10 July 2013 and will therefore conclude on 17 January 2014. Should an extension be required to complete the draft LEP, Council can write to the Department of Planning & Infrastructure to seek additional time to finalise the draft LEP.

As outlined under Section 56(2)(e) of the Environmental Planning and Assessment Act, 1979, the proposal does not trigger any requirements for a public hearing.

CONCLUSION

The draft Housekeeping LEP 2012 has been prepared to rectify several minor anomalies that currently exist in the MLEP 2011. The preparation of the draft LEP has been supported by Council, and a Gateway Determination has already been issued by the NSW Department of Planning & Infrastructure, which allowed exhibition of the planning proposal. Given the submissions received during the community consultation stages have been addressed, including some variations made following the initial round of community consultation, it is now requested that Council seek to finalise the LEP amendment and make current the Maitland LEP 2011.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

The MLEP 2011 is Council's principal statutory planning instrument that governs land use planning decisions within the Maitland LGA. The Housekeeping LEP 2012 will ensure that the MLEP 2011 is current in regards to mapping, provisions and State standards.

STATUTORY IMPLICATIONS

The procedures for the preparation of an LEP under Part 3 of the Environmental Planning and Assessment Act 1979 have been adhered to.

There are no statutory implications under the Local Government Act 1993 with this matter.

Planning, Environment and Lifestyle Reports

POST-EXHIBITION REPORT - HOUSEKEEPING LEP 2012

Planning Proposal

Meeting Date: 12 November 2013

Attachment No: 1

Number of Pages: 58

PLANNING PROPOSAL

Amendment to the Maitland LEP 2011

Housekeeping LEP Amendments

Version 4.0
30.10.13



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Version

Version 1.0 – 23.05.13 for report to Council

Version 2.0 – 17.07.13 following changes requested by Department of Planning & Infrastructure in Gateway

Version 3.0 – 20.08.13 for report to Council seeking re-exhibition

Version 4.0 – 30.10.13 for post-exhibition report to Council, seeking finalisation of LEP amendment

INTRODUCTION

In accordance with Section 55 of the Environmental Planning and Assessment Act 1979, this planning proposal has been prepared to amend the provisions of the Maitland Local Environmental Plan 2011 (MLEP 2011) to resolve several housekeeping matters that have been identified in the time since the gazettal of the MLEP 2011 (16th December 2011).

The Housekeeping LEP 2012 has the purpose of resolving minor LEP mapping anomalies, clarifying the status of some heritage items, and ensuring consistency with State government planning provisions.

The Housekeeping LEP 2012 contains a number of items, and they have been individually identified, mapped and listed to clearly illustrate the extent and purpose of each item.

This version (Version 4.0) of the draft Housekeeping LEP 2012 is an updated version of the planning proposal that was re-exhibited between 25th September 2013 and 9th October 2013.

PART 1: OBJECTIVES or INTENDED OUTCOMES

The objectives of this planning proposal are to:

1. Resolve several minor LEP wording and mapping anomalies;
2. Clarify the description and status of some heritage items; and
3. Ensure consistency with State government planning provisions.

PART 2: EXPLANATION of PROVISIONS

The Maitland Local Environmental Plan 2011 is proposed to be amended in order to reflect the changes listed below.

The Maitland LEP 2011 will be amended by:

- (1) amending the written instrument "Permitted without Consent" provisions
- (2) amending sheets LZN 002A, 004A, 004B, 004C & 006A of the Land Zoning Map
- (3) amending sheets LSZ 002A, 004A, 004B, 004C & 006A of the Lot Size Map
- (4) amending HOB map 004D
- (5) amending HER maps 002A, 003, 004A, 004D & 006
- (6) amending URA map 006A
- (7) amending wording of Schedule 1 (Additional Permitted Uses)

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- (8) amending wording of Schedule 5 (Environmental Heritage)
- (9) amending wording of Clause 7.7 Certain Development at Racecourse Road, Rutherford
 - ITEM 1 - Home Based Child Care is proposed to be moved from "Permitted without Consent" to "Permitted with Consent" in all relevant zones under the Maitland LEP 2011, given recent advice provided from the NSW Rural Fire Service. Currently there is no mechanism for this use to be assessed as a Special Fire Protection Purpose, which is the way that schools and other sensitive uses are currently assessed. This is viewed as an anomaly and raises safety issues for both Council and the RFS as currently, because no approval is currently required for this use under the Maitland LEP 2011, there is no way for either Council or the RFS to determine whether appropriate safety measures have been incorporated into buildings and land utilised for this purpose.
 - ITEM 2 - Lot 6 DP840997 (No. 5) Cabarita Close, Bolwarra Heights to have current Lot Size Map provisions amended. Currently shows minimum lot sizes of both 450m² and 5,000m² over two portions of the site. The zoning for this site is currently R1 General Residential zone. The Lot Size Map will be changed to 450m² for the whole site, as per the original intentions of the Maitland LEP 2011. The map reference (as per the NSW Legislation website) for the LSZ map to be amended is 5050_COM_LSZ_004C_020_20110719.
 - ITEM 3 - South Maitland Railway was originally zoned as 5(b) Special Uses Railway zone under the previous Maitland LEP 1993. Under the Maitland LEP 2011 the land comprising South Maitland Railways was zoned consistent with land adjoining the railway, predominantly being RU1 Primary Production zone. This was thought to be an acceptable outcome, with SEPP Infrastructure 2007 to be relied upon for development of railway associated uses. However, Council is currently restricted by the provisions of the Infrastructure SEPP in allowing expansion of some railways uses adjoining the rail corridor, on land previously zoned 5(b) Special Uses Railway under the Maitland LEP 1993 and other suitable land held in ownership by South Maitland Railways Pty Ltd which directly adjoins the rail corridor and has traditionally been utilised for rail related activities. Furthermore, gazettal of the Cessnock LEP 2011 clearly shows the railway corridor beyond the Maitland LGA boundary to the south as SP2 (Railway) zone. This anomaly can be resolved by applying the SP2 (Railway) zone over most of the land previously defined as 5(b) Special Uses Railway under the Maitland LEP 1993, of which the majority of land is currently held in the ownership by South Maitland Railways Pty Ltd. The map references (as per the NSW Legislation website) for the LZN maps to be amended are 5050_COM_LZN_004A_020_20130306 and 5050_COM_LZN_004B_020_20121204. As a result of amending the LZN maps, changes will be required to the relevant LSZ maps. The map references (as per the NSW Legislation website) for the LSZ maps to be amended are 5050_COM_LSZ_004A_020_20130226 and 5050_COM_LSZ_004B_020_20121204.

The allotments affected by the proposed amendment include:

- Lots 2, 3 & 4 DP1094495 Junction Street, Telarah
- Lot 101 DP1147030 Junction Street, Telarah
- Lot 1 DP995160 Junction Street, Mount Dee
- Lot 1 DP1094040 Junction Street, Telarah
- Lot 645 DP862455 Junction Street, Telarah

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- Lot 2 DP198486 Junction Street, Telarah
- Lot 631 DP1094447 Junction Street, Telarah
- Lot 1 DP72235 Gillieston Road, Maitland
- Lot 1 DP998276 Gillieston Road, Gillieston Heights
- Lot 71 DP1050901 Ryans Road, Gillieston Heights
- Lot 1 DP998262 Government Road, Gillieston Heights
- Lot 11 DP61751 Ryans Road, Gillieston Heights
- Lot 9 DP1094575 Ryans Road, Gillieston Heights
- Lots 51 & 52 DP1094371 Kiah Road, Gillieston Heights
- Lot 151 DP1059601 Kiah Road, Gillieston Heights
- Lot 1 DP998371 Kiah Road, Gillieston Heights
- Lots 1, 2 & 3 DP1102680 Kiah Road, Gillieston Heights
- Lot 1 DP998370 Kiah Road, Gillieston Heights
- Lots 1, 2, 3 & 4 DP998274 Hungerford Lane, Gillieston Heights
- Part Lot 50 DP975994 Russell Street, Gillieston Heights
- Lots 1 & 2 DP976895 Cessnock Road, Gillieston Heights
- Lot 1 DP976896 Cessnock Road, Gillieston Heights
- Lot 103 DP1161547 Cessnock Road, Gillieston Heights

Not all of the abovementioned allotments are held in the ownership of South Maitland Railways Pty Ltd, however, the majority of the subject allotments are, and the owners of the allotments that are held in separate ownership will be notified of the proposed changes. In any case, the rail corridor was zoned for railway purposes under the Maitland LEP 1993. The proposed changes better reflect the actual alignment of the South Maitland Railway corridor, and affect the same properties as were affected by the previous Maitland LEP 1993 5(b) Special Uses Railway zoning. The only additional allotment to be included in the abovementioned list of properties which was not identified as 5(b) Special Uses Railway zone under the Maitland LEP 1993 is land currently held by South Maitland Railways Pty Ltd, being Lot 101 DP1147030 Junction Street, Telarah.

It should be noted that Lot 11 DP861911 Junction Street, Telarah, being the Hunter Valley Training Company, was affected by the 5(b) Special Uses Railway zoning under the Maitland LEP 1993. This portion of the site that was affected by that zoning is currently zoned IN1 General Industrial zone under the Maitland LEP 2011. It is not proposed to apply the SP2 Infrastructure zone over the subject portion of the site to be consistent with the former 5(b) Special Uses Railway zone, as this area of the site is currently zoned to reflect the activities undertaken at that site, and the rail

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corridor does not occupy this land.

- ITEM 4 - Lot 22 DP1049668 (No. 61) Sempill Street, Maitland is incorrectly identified as "Riverview", which is a local heritage item identified as I179 under Schedule 5 of the Maitland LEP 2011. "Riverview" is actually located at Lot 1 DP666810 & Lot 1 DP936146 (No. 1) Oakhampton Road, Maitland. Heritage mapping will be changed to correct this anomaly. The map reference (as per the NSW Legislation website) for the HER map to be amended is 5050_COM_HER_004A_020_20111205.
- ITEM 5 - Since the Maitland LEP 2011 became operational, the following heritage items that were listed as being of "local" significance have since been listed on the State Heritage Register:
 - Dunmore House (Lot 1 DP1005679, Paterson Road, Bolwarra Heights);
 - "Cintra" & Stables (Lot 1 DP996931 Regent Street, Maitland);
 - St Peter's Church group (Lots 7-9, Sec 33, DP758374 Banks Street, East Maitland); and
 - Glebe Gully burial ground (Lot 196 DP755237 off George Street).

Schedule 5 (Environmental Heritage) of the Maitland LEP 2011 lists Dunmore House as I17, "Cintra" and Stables as I173, and St Peter's Church group as I21 and Glebe Gully burial ground as I34. No mapping changes are required as a result of the change in status of these existing heritage items, however, the status of these items will be changed from "local" to "state" under Schedule 5 (Environmental Heritage).

- ITEM 6 - Since the gazettal of the Maitland LEP 2011, Tocal College – C.B. Alexander Campus and Movable Collection (Lots 1, 2 & 3 DP1174183, Lots 1 & 2 DP752474 and Lot 110 DP1040928 Tocal Road, Tocal) has been listed on the State Heritage Register. This item is not currently listed under Schedule 5 of the Maitland LEP 2011, and as such, will now need to be included. The map reference (as per the NSW Legislation website) for the HER map to be amended is 5050_COM_HER_003_040_20110401.
- ITEM 7 - Hedge Rows at Edithville Road & Martins Wharf Road, Duckenfield were identified under the relevant schedule of the Maitland LEP 1993, however they are identified under the Maitland LEP 2011 as Edithville Road only. This is an anomaly and the description that applied under the Maitland LEP 1993 is to be reinstated. The Hedge Rows extend along Martins Wharf Road, between Raymond Terrace Road and Edithville Road. The item is identified as I187 under Schedule 5 of the Maitland LEP 2011. The map reference (as per the NSW Legislation website) for the HER map that the item is identified upon is 5050_COM_HER_006_040_20111125. No mapping change is required on the subject HER map, only a change of property description under Schedule 5 (Environmental Heritage) in the Maitland LEP 2011 written instrument.
- ITEM 8 – Walli House was incorrectly identified as "Wallis House" under the relevant schedule of the Maitland LEP 1993. This anomaly was carried over to Schedule 5 of the Maitland LEP 2011. This is an anomaly and the description will be changed. The item is identified as I148 under Schedule 5 of the Maitland LEP 2011. The map reference (as per the NSW Legislation website) for the HER map that the item is identified upon is 5050_COM_HER_004D_020_20111125. No mapping change is required on the subject HER map, only a change of property description under Schedule 5 (Environmental Heritage) in the Maitland LEP 2011 written instrument.

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- ITEM 9 – The address of George and Dragon Hotel is incorrectly identified under Schedule 5 of the Maitland LEP 2011 as 50 Melbourne Street, East Maitland. The address should read 48-50 Melbourne Street, East Maitland. The Lot/DP description is correct and does not require any amendment under Schedule 5. This is an anomaly and the description will be changed. The item is identified as I68 under Schedule 5 of the Maitland LEP 2011. The map reference (as per the NSW Legislation website) for the HER map that the item is identified upon is 5050_COM_HER_004D_020_20111125. No mapping change is required on the subject HER map, only a change of property description under Schedule 5 (Environmental Heritage) in the Maitland LEP 2011 written instrument.
- ITEM 10 - While the site description for St Helena Cottage is correct, the heritage map under the Maitland LEP 2011 incorrectly maps the adjoining site immediately west of St Helena. This anomaly is to be rectified by changing the relevant map to reflect the correct site, being Lot 200 DP1111493 St Helena Close, Lochinvar. The item is identified as I103 under Schedule 5 of the Maitland LEP 2011. The map reference (as per the NSW Legislation website) for the HER map to be amended is 5050_COM_HER_002A_020_20111124.
- ITEM 11 - Lot 1 DP72883 (No. 67-69) Swan Street, Morpeth was previously identified under the Maitland LEP 1993 as a heritage item of "local" significance. This item was not listed under the Maitland LEP 2011, however the status has not changed and Council proposes to include the site as an item of "local" heritage significance, consistent with the heritage status of the site under the Maitland LEP 1993. It should be noted that No. 73 Swan Street (Lot 1 DP734100) was incorrectly listed in the Maitland LEP 1993 as a heritage item, which was corrected as part of the preparation of the Maitland LEP 2011. Furthermore, it should be noted that No. 67-69 Swan Street was identified under the Maitland LEP 1993 and was incorrectly removed as part of the preparation of the Maitland LEP 2011. The map reference (as per the NSW Legislation website) for the HER map to be amended is 5050_COM_HER_006_040_20111125. The local item is to be identified as I241 under Schedule 5 of the Maitland LEP 2011.
- ITEM 12 - Lots 638 & 639 DP262555 John Arthur Avenue, Thornton are proposed to be rezoned from RE1 Public Recreation zone to R1 General Residential zone and to have a minimum lot size of 450m² applied to each allotment. Lot 638 was held in private ownership and was zoned 5(a) Special Uses zone under the Maitland LEP 1993, while Lot 639 was previously reclassified to operational land and rezoned to 2(a) Residential zone under the Maitland LEP 1993, however neither site was correctly transferred in the Maitland LEP 2011. This is an anomaly and no further public hearing is deemed necessary, as all due process was followed previously, and it is purely an administrative oversight that the updated zoning amendment (completely finalised under the Maitland LEP 1993 in accordance with the Local Government Act 1993, Environmental Planning & Assessment Act 1979 and *Practice Note 09-003 Classification and Reclassification of Public Land through a Local Environmental Plan*) was not carried over to the Maitland LEP 2011. The map references (as per the NSW Legislation website) for the LZN & LSZ maps to be amended are 5050_COM_LZN_006A_020_20111206 and 5050_COM_LSZ_006A_020_20111130.
- ITEM 13 – The Lot & DP description for land known as 99 Racecourse Road, Rutherford was incorrectly identified under the relevant schedule of the Maitland LEP 2011 at the time of the gazettal. The current land description listed under Clause 7.7 and Clause 6 of Schedule 1 in the Maitland LEP 2011 is Lot 100 DP 109841. This Lot & DP number was carried over to Clause 7.7, and Clause 6 of Schedule 1 of the Maitland LEP 2011, however, the Lot and DP description had changed as a result of a new DP which was issued following land acquisition associated with the Maitland to Minimbah Third Track approval. The property should be identified as Lot 1504 DP1141535 Racecourse Road, Rutherford. No mapping change is required on any map, only a

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change of property description under Clause 7.7 and Clause 6 of Schedule 1 in the Maitland LEP 2011 written instrument.

- ITEM 14 -- Lots 10 & 11 DP644668 Cartwright Street, Gillieston Heights are both incorrectly mapped in the Maitland LEP 2011 as RE2 Private Recreation zone. Both allotments should be mapped as RE1 Public Recreation zone. Lot 10 is owned by Hunter Water Corporation, while Lot 11 is owned by Maitland City Council. The subject LZN map is proposed to be amended to correct this anomaly. The map reference (as per the NSW Legislation website) for the LZN map to be amended is 5050_COM_LZN_004B_020_20121204.
- ITEM 15 - Lot 12 DP1062775 (No. 10) Elizabeth Street, Telarah is incorrectly identified as "Byrn Glas", which is a local heritage item identified as I235 under Schedule 5 of the Maitland LEP 2011. The "Byrn Glas" itself is actually located immediately North of Lot 12, on land known as Lot 11 DP1062775 (No. 16) Elizabeth Street, Telarah. Heritage mapping will be changed to correct this anomaly, by removing Lot 12 from the subject heritage map and limiting the relevant map colouring to Lot 11 only. An existing dwelling has been approved by Council on Lot 12 in recent years and has no heritage significance. The map reference (as per the NSW Legislation website) for the HER map to be amended is 5050_COM_HER_004A_020_20111205.
- ITEM 16 - Stockland Greenhills stand-alone shopping centre has been approved for expansion and the most recently approved Development Application (DA) included increasing the building height of the Stockland Greenhills shopping centre and identified a "Line of 25 metre nominal height limit". It should be noted that the DA showed the maximum building height to be within 24 metres of natural ground level at the site (Lot 311 DP1031540). It is therefore proposed to amend the subject HOB map to reflect a more appropriate building height for the Stockland Greenhills site, which can accommodate the current approved building height allowed for in conjunction with the approved DA for the site. Following exhibition, the subject HOB map is proposed to be amended for additional adjoining allotments, resulting in a maximum building height of 24 metres for land known as:
 - Lot 311 DP1031540
 - Lot 22 DP553162
 - Lot 12 DP1018015
 - Lot 310 DP1031540
 - Lots 1,2,3 & 4 DP270123

The additional allotments have been included given their size and location adjoining Stockland Greenhills. It is considered logical to apply the 24 metre maximum building height limit to these sites given (i) their proximity to the Stockland Greenhills shopping centre; and (ii) these sites are clearly bounded by Molly Morgan Drive, Mitchell Drive and Stronach Avenue.

The map reference (as per the NSW Legislation website) for the HOB to be amended is 5050_COM_HOB_004D_020_20110401.

Additional Items for Inclusion Post-Exhibition Period

The draft Housekeeping LEP 2012 was initially exhibited between 31st July 2013 and 14th August 2013. Following that exhibition period, the following amendments/items were made/added as part of this amended planning proposal.

- Amending Item 11 (Lot 1 DP72883, being villas) to be described as No. 67- 69 Swan Street, Morpeth in the written instrument, instead of No. 69 Swan Street, Morpeth. It should be noted that

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No. 73 Swan Street (Lot 1 DP734100) was incorrectly listed in the Maitland LEP 1993 as a heritage item, which was corrected as part of the preparation of the Maitland LEP 2011. Furthermore, it should be noted that No. 67-69 Swan Street was identified under the Maitland LEP 1993 and was incorrectly removed along with No. 73 Swan Street as part of the preparation of the Maitland LEP 2011.

- Amending Item 16 – relating to the maximum building height of the Stockland Greenhills shopping centre site (Lot 311 DP1031540) to include a revised maximum building height of 24 metres for the following additional allotments:
 - Lot 22 DP553162
 - Lot 12 DP1018015
 - Lot 310 DP1031540
 - Lots 1, 2 & 4 DP270123
- Adding Item 17 – The Thornton North Urban Release Area boundary should include Lot 44 DP1117263 McFarlanes Road, Berry Park. At present, the subject URA map does not include this site. The relevant portion of Lot 44 was subject to Amendment #112 to the Maitland Local Environmental Plan 1993. Amendment #112 was gazetted on 23 September 2011. The conversion of this item in the Maitland Local Environmental Plan 2011 excluded this portion of the Thornton North URA, which was a simple mapping error. The subject URA map is proposed to be amended to correct this anomaly. The map reference (as per the NSW Legislation website) for the URA map to be amended is 5050_COM_URA_006A_020_20111129.
- Adding Item 18 – Lot 101 DP1069935 William Street, East Maitland is incorrectly identified as "Mathew Talbot Hostel", which is a local heritage item identified as I24 under Schedule 5 of the Maitland LEP 2011. The "Mathew Talbot Hostel" itself is actually located immediately West of Lot 101, on land known as Lot 100 DP1069935 (No. 36) Banks Street, East Maitland. A carpark exists over the entirety of Lot 101, between Banks Street and William Street. As such, Lot 101 has no heritage significance. Heritage mapping will be changed to correct this anomaly, by removing Lot 101 from the subject heritage map and limiting the relevant map colouring to Lot 100 only. The map reference (as per the NSW Legislation website) for the HER map to be amended is 5060_COM_HER_004D_020_20111125.
- Adding Item 19 – St Johns, Morpeth. The subject land known as "St Johns" was rezoned under the Maitland LEP 1993 as LEP Amendment #97. It has been noted recently by Council's staff that several minor mapping anomalies exist in relation to zoning boundaries within the site. This has been noted following the approval of Subdivision Certificates for the subject land. Upon review of the LEP amendment, it is clear that the LEP amendment was not drafted in correlation with the Conservation Management Plan (CMP) prepared for the site as part of the rezoning amendment (see Appendix 2 – St Johns, Morpeth CMP - Concept Plan). The CMP related to the heritage setting and curtilage surrounding Morpeth House. The situation at present is not detrimental in regards to development of the land, but it has effectively created a split zone situation by virtue of the miscorrelation of zoning boundaries and individual allotment boundaries. The anomalies are of a minor nature and are considered appropriate for inclusion in the Housekeeping LEP 2012, as the rectification of these anomalies will fulfill the intent of the LEP amendment that occurred under the Maitland LEP 1993.

The allotments affected by the proposed amendment include:

- Lot 1 & Lots 6-13 DP280040

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- Lots 1 & 2 DP270740
- Lots 1, 2, 3, 6, 16, 17, 18 & 19 DP280039

The map reference (as per the NSW Legislation website) for the LZN map to be amended is 5050_COM_LZN_004C_020_20110719. As a result of amending the LZN map, changes will be required to the relevant LSZ map. The map reference (as per the NSW Legislation website) for the LSZ map to be amended is 5050_COM_LSZ_004C_020_20110719.

- Adding Item 20 – Cantwell Road, Lochinvar. The subject land was rezoned under the Maitland LEP 1993 as part of LEP Amendment #110 – Lochinvar Urban Release Area. It has been noted recently by Council's staff that a minor mapping anomaly exists in relation to the extent of the E3 Environmental Management zoning boundary that applies to properties adjoining the Southern extent of Cantwell Road, near the New England Highway. This land was zoned for environmental protection purposes as part of MLEP 1993 Amendment #110, but when the E3 Environmental Management zone was applied under the conversion to the Maitland LEP 2011, the zoning boundary has not been correctly applied to the zoning or minimum lot size mapping. The anomaly is of a minor nature and is considered appropriate for inclusion in the Housekeeping LEP 2012, as the rectification of this anomaly is consistent with the intent of the LEP amendment that occurred under the Maitland LEP 1993 (Amendment #110).

The allotments affected by the proposed amendment include:

- Lot 60 DP778897
- Lots 5921 & 5922 DP882084
- Lot 7001 DP93473
- A unnamed allotment, being Lochinvar Creek

The map reference (as per the NSW Legislation website) for the LZN map to be amended is 5050_COM_LZN_002A_020_20111206. As a result of amending the LZN map, changes will be required to the relevant LSZ map. The map reference (as per the NSW Legislation website) for the LSZ map to be amended is 5050_COM_LSZ_002A_020_20111130.

No Changes Made Following Re-exhibition

The draft Housekeeping LEP 2012 was re-exhibited between 25th September 2013 and 9th October 2013 as a result of minor changes that were required and additional items that were included following the initial exhibition period. No further changes were made to the planning proposal following the submissions received during the re-exhibition period.

PART 3: JUSTIFICATION for PROPOSED LEP AMENDMENTS

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

POST-EXHIBITION REPORT - HOUSEKEEPING LEP 2012 (Cont.)

- Section B: Relationship to strategic planning framework
- Section C: Environmental, social and economic impact
- 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?**

This planning proposal is a result of the review of the MLEP 2011, following 12 months of the MLEP 2011 being operational. The MLEP 2011 was gazetted on the 16th December 2011. As part of ensuring the accuracy and clarity of comprehensive planning instruments, Council has historically undertaken periodic reviews of its comprehensive LEPs. Given that a number of anomalies have been identified in the MLEP 2011, it was deemed appropriate that following 12 months of the MLEP being operational, a Housekeeping LEP would be prepared to rectify any minor anomalies, in line with the review of previous comprehensive LEPs.

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

An amendment to the MLEP 2011 is the only method to achieve the objectives of this planning proposal.

3. Is there a net community benefit?

A net community benefit arises from this planning proposal as it will ensure that Council's adopted principal planning instrument is current and correct by resolving minor anomalies.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK**4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional strategy?**

The applicable regional strategy is the Lower Hunter Regional Strategy (NSW Dept of Planning) – October 2006. This planning proposal is consistent with the Lower Hunter Regional Strategy, as it involves rectifying anomalies in Council's principal planning instrument. None of the anomalies impact upon the goals or objectives of the LHRS 2006.

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

The subject planning proposal is consistent with the Maitland 2021 Community Strategic Plan and the supporting Delivery Program 2011-2015.

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

There are no existing or Draft SEPPs that would prohibit or restrict the matter contained in the subject planning proposal.

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

There are no current Ministerial Directions that would prohibit or restrict the matter contained in the subject planning proposal.

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?

There will be no impact on any of these matters as a result of this planning proposal.

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

There are no environmental effects likely as a result of this planning proposal.

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

This planning proposal seeks to remove minor anomalies contained within the Maitland LEP 2011. The social and economic effects were addressed during the preparation of the Maitland LEP 2011.

There are no additional social or economic effects as a result of this planning proposal.

Section D – STATE and COMMONWEALTH INTERESTS

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

There is no additional demand generated for public infrastructure as a result of this planning proposal.

12. What are the view of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No consultation with State or Commonwealth public authorities is proposed for this planning proposal, due to its consistency with adopted strategies and its objective to clarify minor anomalies contained within the Maitland LEP 2011.

PART 4: COMMUNITY CONSULTATION

In accordance with Section 57(2) of the Environmental Planning and Assessment Act 1979, this planning proposal had to be approved before community consultation could be undertaken by the local authority. The Gateway Determination issued by the Department of Planning & Infrastructure deemed the planning proposal to be low impact, which required a 14 day exhibition period. The revised planning proposal (Version 3.0) was exhibited during the 14 day re-exhibition period.

In accordance with Council's adopted *Community Engagement Strategy (March 2009)*, consultation on the proposed rezoning had the purpose of informing and receiving feedback from interested stakeholders. To engage the local community the following was undertaken:

- Notice in the local newspaper;
- Exhibition material and relevant consultation documents were made available at all Council libraries and Council's Administration Building; and
- Consultation documents were made available on Council's website.

At the close of the consultation process, Council officers considered all of the submissions received and presented a report to Council for their endorsement of the proposed LEP amendment before proceeding to finalisation of the amendment.

The consultation process, as outlined above, does not prevent any additional consultation measures that may be determined appropriate as part of the 'Gateway' Determination process.

Variations to Planning Proposal – Initial Exhibition Period

The variations proposed to be made to the planning proposal following the initial exhibition period and technical review by Council's staff included amending Items 11 and 16, and adding Items 17, 18, 19 & 20 (see Part 2 above - *Additional Items for Inclusion Post-Exhibition Period*). Given these proposed variations, it was recommended that Council re-exhibit the planning proposal for a period of 14 days. At its meeting of 10 September 2013 Council resolved to re-exhibit the planning proposal with these changes for a period of 14 days.

No Further Variations Following Re-Exhibition Period

Following the review of submissions that were forwarded to Council as part of the re-exhibition period, there are no variations proposed to be made to the planning proposal.

Project Timeline

The following timeframes are considered approximate, but are included in accordance with the Department's publication "*A Guide to Preparing Planning Proposals*".

- Date of submission to DOPI to finalise LEP: 15 November 2013
- Anticipated date RPA will make plan: 13 December 2013
- Anticipated date RPA will forward to DOPI for notification: 13 December 2013

Appendix ONE
Proposed Draft LEP Amendment Mapping & Locality Maps