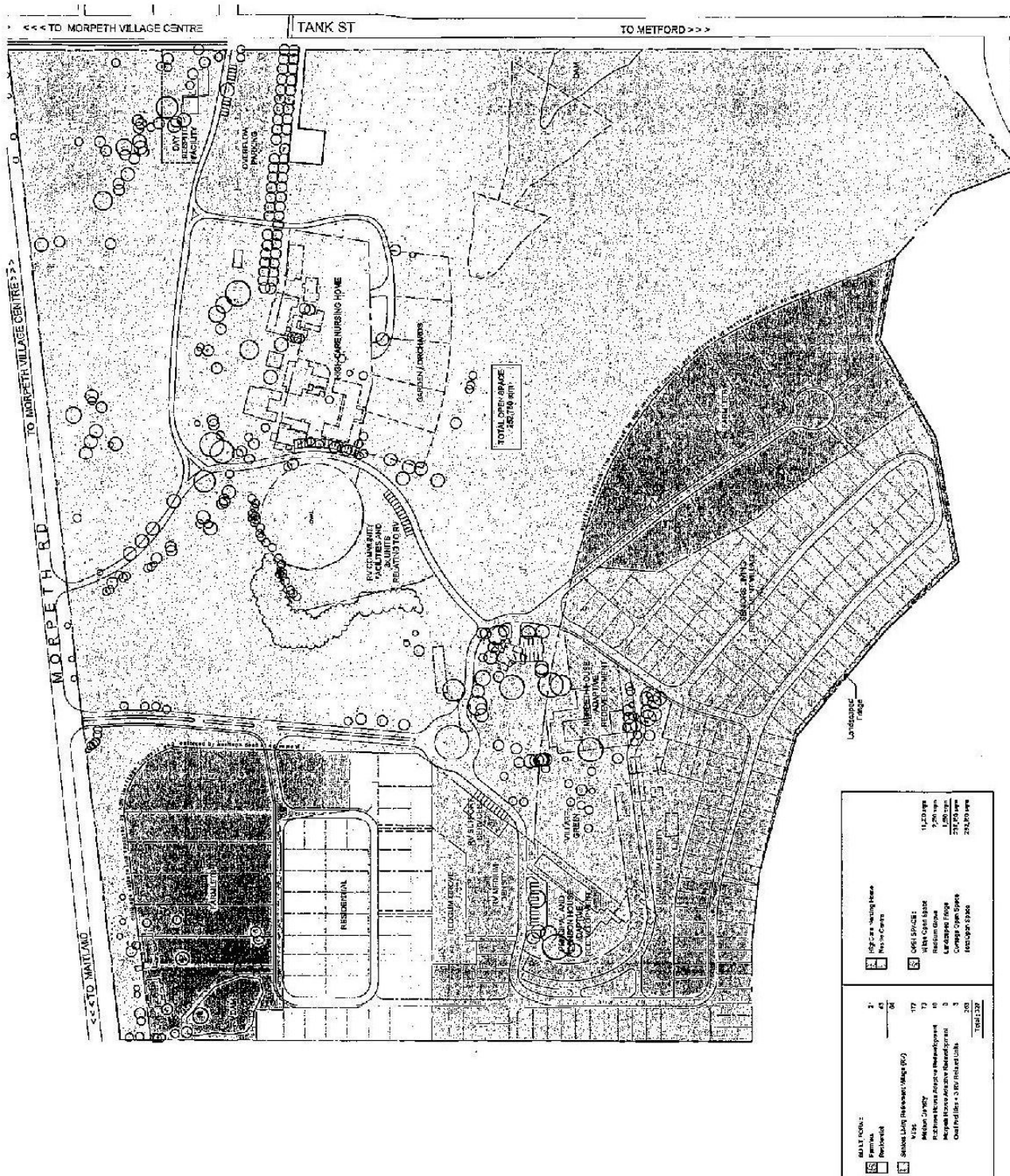


Appendix TWO
St Johns, Morpeth CMP – Concept Plan



Planning, Environment and Lifestyle Reports

POST-EXHIBITION REPORT - HOUSEKEEPING LEP 2012

Gateway Determination

Meeting Date: 12 November 2013

Attachment No: 2

Number of Pages: 6

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

**Planning & Infrastructure**

Contact: Ben Holmes
Phone: (02) 4904 2700
Fax: (02) 4904 2701
Email: Ben.Holmes@planning.nsw.gov.au
Postal: PO Box 1226, Newcastle, NSW, 2300

Our ref: PP_2013_MAITL_003_00 (13/10/11)

Mr David Evans
General Manager
Maitland City Council
PO Box 220
MAITLAND NSW 2320

Dear Mr Evans,

Planning proposal to amend Maitland Local Environmental Plan 2011

I am writing in response to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to facilitate various housekeeping amendments including: correcting errors and mapping anomalies; rezoning, amending the minimum lot size and maximum building height for certain land in the Maitland local government area; correcting property descriptions, addresses, names and the heritage significance for various heritage items; adding new heritage items and permitting home-based child care with consent (and removing home-based child care from item 2 permitted without consent) in various zones under Maitland Local Environmental Plan (LEP) 2011.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction and creation of land for public purposes on the basis of the sites previous zoning and ownership. No further approval is required in relation to this Direction.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan because the proposal is considered to be a matter of local significance.

The amending LEP is to be finalised within 6 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

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

Should you have any queries in regard to this matter, please contact Ben Holmes of the regional office of the department on 02 4904 2700.

Yours sincerely,



Neil McGaffin
Executive Director
Rural and Regional Planning
Planning Operations and Regional Delivery

10-7-13.



Planning & Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP_2013_MAITL_003_00): to facilitate various housekeeping amendments to Maitland LEP 2011.

I, the Executive Director, Rural and Regional Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Maitland Local Environmental Plan (LEP) 2011 to facilitate various housekeeping amendments including: correcting errors and mapping anomalies; rezoning, amending the minimum lot size and maximum building height for certain land in the Maitland local government area; correcting property descriptions, addresses, names and the heritage significance for various heritage items; adding new heritage items and permitting home-based child care with consent (and removing home-based child care from item 2 permitted without consent) in various zones should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - correct the reference to heritage item numbers for St Peter's Church group at Bank Street, East Maitland, being heritage item I21; the George and Dragon Hotel at Melbourne Street, East Maitland, being heritage item I68; and St Helena Cottage at St Helena Close, Lochinvar, being heritage item I103. Council is to ensure the proposal references correct heritage item numbers, consistent with Schedule 5 – Environmental Heritage under Maitland LEP 2011;
 - correctly advise that land identified in item 12 at John Arthur Avenue, Thornton is classified as 'operational' land, rather than 'community' land;
 - identify the land (via a list of the Lot and DP numbers) affected by the proposed changes to building height in item 16; and
 - include location maps and where applicable, existing and proposed land zoning, lot size and height of buildings maps and other applicable maps, which are at an appropriate scale and clearly identify the subject sites.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and must be made publicly available for a minimum of 14 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
3. Consultation is required with the Office of Environment and Heritage (OEH) under section 56(2)(d) of the EP&A Act. OEH is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

MAITLAND PP_2013_MAITL_003_00 (13/10111)

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

**Planning &
Infrastructure**

5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated *10th* day of *July* 2013.

A handwritten signature in black ink, appearing to read 'Neil McGaffin'.

**Neil McGaffin
Executive Director
Rural and Regional Planning
Planning Operations and Regional Delivery
Department of Planning and Infrastructure**

Delegate of the Minister for Planning and Infrastructure



Planning & Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Maitland City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_MAITL_003_00	Planning proposal to facilitate various housekeeping amendments including: correcting errors and mapping anomalies; rezoning, amending the minimum lot size and maximum building height for certain land in the Maitland local government area; correcting property descriptions, addresses, names and the heritage significance for various heritage items; adding new heritage items and permitting home-based child care with consent (and removing home-based child care from item 2 permitted without consent) in various zones under Maitland Local Environmental Plan (LEP) 2011.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated 10th July 2013

A handwritten signature in black ink, appearing to read 'Neil McGaffin', written over a horizontal line.

Neil McGaffin
Executive Director
Rural and Regional Planning
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP 2013 MAITL_003_00
Date Sent to Department under s56	June 2013
Date considered at LEP Review Panel	04/07/2013
Gateway determination date	10/07/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information:

Planning, Environment and Lifestyle Reports

POST-EXHIBITION REPORT - HOUSEKEEPING LEP 2012

Submissions & Response to Submissions

Meeting Date: 12 November 2013

Attachment No: 3

Number of Pages: 16

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

	Submission Maker	Issues Raised in Submission	Response to Submission
1	Paradigm Planning	Item 16 - Request to include Lot 22 DP553162 as part of Item 16 – HOB Map 004D, Stockland Greenhills	- Including Lot 22 DP553162 as part of Item 16 is considered appropriate given that the need for the maximum building height of 24 metres is due to an approved DA for both Lot 311 DP1031540 and Lot 22 DP553162, which 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. Item 16 has now been amended to show a maximum building height of 24 metres applying to Lot 22. In applying this increased building height to Lot 22, it is considered appropriate to apply the 24 metre maximum building height to all allotments on map HOB 004D that currently show a maximum building height of 12 metres. The maximum building height for each of the following allotments will be increased to 24 metres: - o Lot 311 DP1031540 - o Lot 22 DP553162 - o Lot 12 DP1018015 - o Lot 310 DP1031540 - o Lots 1,2 3 & 4 DP270123 It should be noted that the Maximum Floor Space Ratio (FSR) that applies in the subject locality is 2:1, which would further act as a development control in regards to maximum building height in the locality in any case.
2	Redman	Item 16 - Request to include Lot 310 DP1031540 as part of Item 16 – HOB Map 004D, Stockland Greenhills	Lot 310 DP1031540 directly adjoins Lot 311 DP1031540 (the Stockland Greenhills site). The need for the maximum building height of 24 metres within Lot 311 DP1031540 is due to an approved DA for both Lot 311 DP1031540 and Lot 22 DP553162, which 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

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

3	NSW Office of Environment and Heritage	• N/A	24 metres of natural ground level at the site. Council considers that increasing the maximum building height to 24 metres on Lot 310 is appropriate, given that the retention of a 12 metre maximum building height for the subject site could result in an unsightly interface in the future, should development occur within the site. In applying this increased building height to Lot 310, it is considered appropriate to apply the 24 metre maximum building height to all allotments on map HOB 004D that currently show a maximum building height of 12 metres. The maximum building height for each of the following allotments will be increased to 24 metres: - o Lot 311 DP1031540 - o Lot 22 DP553162 - o Lot 12 DP1018015 - o Lot 310 DP1031540 - o Lots 1, 2, 3 & 4 DP270123 It should be noted that the Maximum Floor Space Ratio (FSR) that applies in the subject locality is 2:1. Therefore, opportunities to develop Lot 310 to a height of 24 metres would be limited by the FSR in any case. The 24 metre maximum height limit is a product of the topography of the site and the natural ground level being lower in the Southern extents of the site. It is considered logical to apply the 24 metre maximum building height to the additional allotments listed above, given the size and location of these allotments, which adjoin Lot 311 DP1031540. In regards to the comments concerning visual impact, a full detailed visual impact analysis and overshadowing assessment was required to support the DA for the Stockland Greenhills redevelopment. The information was considered during the Development Assessment process, and resulted in Council approving the DA. The issue of visual impact was considered on its merits and was deemed to be acceptable. • OEH has no concerns with the draft LEP and supports the update of the MLEP 2011.
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POST-EXHIBITION REPORT - HOUSEKEEPING LEP 2012 (Cont.)

4	Fitzherbert	Item 11 - The reference to No. 69 Swan Street, Morpeth should be amended to No. 67-69 Swan Street, Morpeth and No. 73 Swan Street should be included as a separate item	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. No. 67-69 Swan Street is proposed to be added to map HER 006, while No. 73 Swan Street, Morpeth is not proposed to be added to map HER 006. It should be noted that this action satisfies the objection that was raised in relation to this matter.
5	Hogan	Item 11 - The reference to No. 69 Swan Street, Morpeth should be amended to No. 67-69 Swan Street, Morpeth and No. 73 Swan Street should be included as a separate item	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. No. 67-69 Swan Street is proposed to be added to map HER 006, while No. 73 Swan Street, Morpeth is not proposed to be added to map HER 006. It should be noted that this action satisfies the objection that was raised in relation to this matter.

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

6	NSW Office of Environment and Heritage	N/A	OEHL has no objection to the draft LEP and supports the update of the MLEP 2011.
7	Cone	Item 16 – Objects to proposed amendment to HOB Map 004D, Stockland Greenhills	- The submission objects to the proposal to increase the maximum building height to 24 metres over the subject land, being: - o Lot 311 DP1031540 - o Lot 22 DP553162 - o Lot 12 DP1018015 - o Lot 310 DP1031540 - o Lots 1, 2, 3 & 4 DP270123 The submission states that varied height limits should apply to the site, or current building heights should be retained and any future Development Application (DA) applying to the subject land should be assessed on its merits after considering any impacts on neighbouring properties. It should be noted that a full detailed visual impact analysis and overshadowing assessment was required to support the DA for the Stockland Greenhills redevelopment. The information was considered during the Development Assessment process involving that proposal, and resulted in Council approving the DA. The issue of overshadowing was considered on its merits at that time and the impact was deemed to be acceptable. Council would undertake a similar merits-based assessment should any similar such DA for expansion of development be submitted for the subject land in the future. The need for the maximum building height of 24 metres within the site is due to an approved DA for both Lot 311 DP1031540 and Lot 22 DP553162, which 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. Council considers that increasing the maximum building height to

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

				24 metres is appropriate, given that the retention of a 12 metre maximum building height for part of the subject land could otherwise result in an unsightly interface in the future. In applying this increased building height, it is considered appropriate to apply the 24 metre maximum building height to all allotments on map HOB 004D that currently show a maximum building height of 12 metres. The maximum building height for each of the following allotments will be increased to 24 metres:
			o	Lot 311 DP1031540
			o	Lot 22 DP553162
			o	Lot 12 DP1018015
			o	Lot 310 DP1031540
			o	Lots 1,2 3 & 4 DP270123

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

Josh Ford

From: Anne Killick <Anne.Killick@environment.nsw.gov.au>
Sent: Thursday, 10 October 2013 11:33 AM
To: Josh Ford
Cc: Richard Bath
Subject: Maitland Housekeeping LEP re-exhibition

Josh

OEH notes that the additional amendments proposed with the re-exhibition of the Maitland LEP 2011 – Housekeeping LEP are of a minor nature and as such, OEH has no objections to the LEP being progressed.

If you require any further information please feel free to contact me via email or phone call.

Regards,

 **Anne Killick**
Conservation Planning Officer
Regional Operations Group
Office of Environment and Heritage
NSW Department of Premier and Cabinet
PO Box 4886 Newcastle 2300
T: 02 4908 6802
W: www.environment.nsw.gov.au

From: Bath Richard
Sent: Monday, 5 August 2013 12:42 PM
To: Josh Ford
Cc: Killick Anne
Subject: Maitland Housekeeping LEP

Josh

In regard to the proposed amendment to Maitland Local Environmental Plan (LEP) 2011 – Housekeeping LEP, OEH notes that the purpose of the amendment is to rectify minor anomalies in the LEP. OEH has no concerns with these minor amendments and supports the update of the LEP.

 Please note that given current workloads and priorities no further written advice on this amendment will be provided.

Regards

Richard Bath
Senior Team Leader - Planning
Regional Operations Group
Office of Environment and Heritage
NSW Department of Premier and Cabinet
PO Box 4886 Newcastle NSW 2300
T: 4908 6805
W: www.environment.nsw.gov.au

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

7

Wayne & Christine Cone
6 Moss Place
EAST MAITLAND NSW 2323

19 September 2013

General Manager
Maitland City Council
PO Box 220
MAITLAND NSW 2320

○ ATTENTION: Mr Ian Shillington

Submission on Re-exhibited Planning Proposal (Housekeeping LEP 2012)

Reference is made to your letter of 3 September 2013 regarding the above matter, and Council's resolution of 10 September to re-exhibit the proposed LEP amendments for 14 days.

○

As adjoining residential property owners to the Stockland Greenhills Shopping Centre, Mitchell Drive, East Maitland, we object to the proposed amendment to Item 16 in the Housekeeping LEP 2012 to increase the maximum building height to 24 metres over the whole of the Stockland Greenhills site (Lots 300 & 311 DP1031540, Lot 22 DP553162, Lot 12 DP1018015, and Lots 1, 2, 3 & 4 DP270123).

While a building height limit of 24 metres may be appropriate for the building envelope of the most recently approved development on the Mitchell Drive side (western side) of the site, we do not agree this is an appropriate height on the eastern side of the site adjoining the residential properties, including our own at 6 Moss Place.

Even with the current building height limits, previous development proposals on the Greenhills shopping centre site over the past 10 years have included structures close to our rear property boundary that resulted in overshadowing

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

of our property and the living areas of our approved dual occupancy (flat at the rear of our property), as well as having both visual and amenity impacts.

We request that Council investigate the possibility of varied height limits over the Stockland Greenhills site or other mechanisms to protect our property, and our neighbours', from the potential impacts of 24 metre high buildings along our back fences. If this is not possible, the current building heights should be retained, with each development application that is submitted to be assessed on its merits, after giving due consideration to the implications for neighbouring properties.

○

Yours faithfully


Wayne Cone


Christine Cone

○

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

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14/08/2013
69 Swan St
Morpeth NSW 2321

General Manager
Maitland City Council
PO Box 220
Maitland NSW 2320

**RE: Submission to Maitland Local Environmental Plan 2011 - Housekeeping
LEP Amendments**

Council has resolved to prepare a Draft Local Environmental Plan (LEP) to rectify minor anomalies contained within the Maitland Local Environmental Plan 2011. As the owner of 69 Swan St Morpeth I am directly affected by the Draft LEP and wish to make a submission.

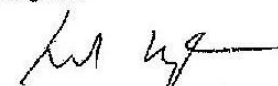
The Draft LEP proposes to amend the Heritage Map and Schedule to include Lot 1 DP72883 (known as 69 Swan St Morpeth) and Lot 1 734100 (known as 73 Swan St Morpeth). The Draft LEP proposes to list both properties as one heritage item known as Item 11.

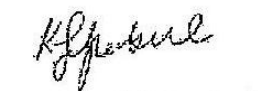
I wish to advise Council that the listing of both properties together should be further investigated, as their heritage significance is not related. The property at 73 Swan St is a Victorian terrace whilst the property at 69 Swan St was listed as Georgian Villas in LEP 1993 (where this anomaly first appeared).

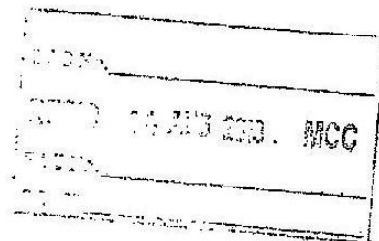
The previous listing in LEP 1993 specified the residence of 67/69 Swan Street Morpeth as an individual Heritage Item due to its rarity, completeness and reflection of early subdivision of the town. These criteria appear to be unrelated to the residence of 73 Swan St. Furthermore, the residence at 73 Swan St does not appear to be individually itemised in LEP 1993.

It would appear that the curtilage of 69 Swan Street has mistakenly been drawn (in LEP 1993) to encompass 73 Swan St (Lot 1 DP 734100). This anomaly should be amended prior to being included in the Housekeeping LEP and forms the grounds of our objection to the listing of Item 11.

Regards


Joel Fitzherbert


Karen Fitzherbert



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

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14/08/2013
73 Swan St
Morpeth NSW 2321

General Manager
Maitland City Council
PO Box 220
Maitland NSW 2320

**RE: Submission to Maitland Local Environmental Plan 2011 - Housekeeping
LEP Amendments**

Council has resolved to prepare a Draft Local Environmental Plan (LEP) to rectify minor anomalies contained within the Maitland Local Environmental Plan 2011. As the owner of 73 Swan St Morpeth I am directly affected by the Draft LEP and wish to make a submission.

The Draft LEP proposes to amend the Heritage Map and Schedule to include Lot 1 DP72883 (known as 69 Swan St Morpeth) and Lot 1 734100 (known as 73 Swan St Morpeth). The Draft LEP proposes to list both properties as one heritage item known as Item 11.

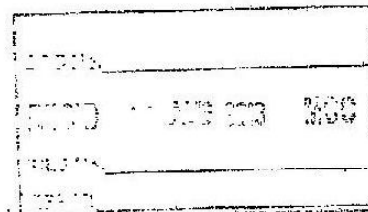
I wish to advise Council that the listing of both properties together should be further investigated, as their heritage significance is not related. The property at 73 Swan St is a Victorian terrace whilst the property at 69 Swan St was listed as Georgian Villas in LEP 1993.

The previous listing in LEP 1993 specified the residence of 67/69 Swan Street Morpeth as an individual Heritage Item due to its rarity, completeness and reflection of early subdivision of the town. The heritage significance of 69 Swan Street appears not to be related to the heritage significance of 73 Swan St. The later property was not individually itemised in LEP 1993.

It would appear that the curtilage of 69 Swan Street has mistakenly been drawn to encompass 73 Swan St (Lot 1 DP 734100). This anomaly should be further investigated prior to being included in the Housekeeping LEP and forms the grounds of my objection to the listing of Item 11.

Regards

Anne Hogan
Anne Hogan.



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

Josh Ford

From: Paradigm Planning <i.adams@pacific.net.au>
Sent: Wednesday, 14 August 2013 4:12 PM
To: Josh Ford
Cc: 'Virginia Lloyd'
Subject: Housekeeping LEP
Attachments: ltr 140813 MLEP2011 Housekeeping amendment.pdf

Hi Josh,

Please find attached submission on behalf of Stockland. It's not an objection, just requesting correction of the mapping to include Lot 22 in the Stockland site consistent with the development consent for the centre.

Regards

Ian Adams

Paradigm Planning & Development Consultants Pty Ltd

Our Ref: IJA/200717/140813eml



M: 0438 452292 Fax: 02 4975 1876

PO Box 4034 RATHMINES NSW 2283

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



ABN 66 121 212 404

Our Ref: IA/200717/140813/tr

14 August 2013

General Manager
Maitland City Council
PO Box 220
MAITLAND NSW 2320

Dear Sir,

RE: Maitland LEP2011 Housekeeping Amendments (Ref 103/149) – Stockland Greenhills

Paradigm Planning & Development Consultants Pty Ltd is engaged by Stockland Development in relation to the Stockland Green Hills shopping centre (Lot 311 DP1031540 and Lot 22 DP553162).

We note that the draft Housekeeping amendment to Maitland LEP 2011 includes the increased height limit of 24 metres for the Stockland Greenhills site to be consistent with the approved development under DA 08 918. However, the draft Building Height Map has a minor error in excluding Lot 22 DP 553162 which is an integral part of the redevelopment site along with Lot 311 in the development consent relates to both these lots owned by Stockland.

As the intention of the Council resolution is for the Building Height Map to be consistent with the approved development, we request that the final adopted map be corrected to include Lot 22. Adjoining Lot 12 (Pizza Hut) is not owned by Stockland and is not covered by DA 08-918 and therefore does not require change from the exhibited plan.

If you have any queries in relation to this, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ian Adams', written over a horizontal line.

Ian Adams
Director
PARADIGM PLANNING & DEVELOPMENT CONSULTANTS Pty Ltd

M: 0438 452292

PO Box 4034 RATHMINES NSW 2283
F: 02 49751876

e: i.adams@pacific.net.au

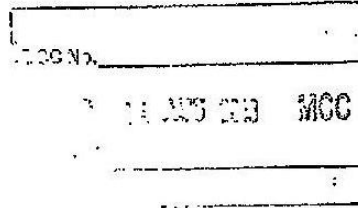
POST-EXHIBITION REPORT - HOUSEKEEPING LEP 2012 (Cont.)

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5 Molly Morgan Drive Greenhills NSW 2323 | ABN 52 161 321 747 | P 024933 3222 | F 024934 7183 | E info@georgetavern.com.au | www.georgetavern.com.au
Head Office: P 02 4934 6555 | F 02 4934 6599 | E dan@redco.biz | Postal PO Box 2035 Greenhills NSW 2323

The General Manager
PO Box 220
Maitland NSW 2320



13 August 2013

Dear Sir

Maitland Local Environment Plan 2011 Housekeeping LEP Amendments.
Your Reference 103/149

Our business and property are located at Lot 1 through 4 DP270123, 11 Molly Morgan Drive and Lot 310 DP1031540 at 5 Molly Morgan Drive. These lots are highlighted on the attached locality plan.

We adjoin the Stockland Greenhills development on 3 sides and front Molly Morgan Drive on the fourth.

Our comments relate to the height of buildings in the Greenhills commercial precinct.

As per the Maitland LEP 2011 our land has a Height of Building as Class M which is 12 meters. We note that Stockland in their last DA requested, and received consent for a 24m height of building directly adjacent to our property.

The Housekeeping LEP Amendments seek to alter the height of the adjacent Stockland site to a Class S which is 24 meters high. At least partially, this is to accommodate the current consent. But to leave our property as Class M appears to be unreasonable.

We have believed the size and scale of the overall redevelopment proposed by Stockland is appropriate. However, we do not believe it is reasonable that our site, which adjoins Stockland on 3 sides is not afforded the same height of building. We are concerned about the visual impact of having these restriction on our site in case of future development.

The size (height) of the Stockland Proposal dwarfs our current buildings. Given that the adjoining buildings are over 20m high, it seems unreasonable that any future development on our site will be limited to only half the height of the building next door, when all the lots are effectively on the same 'block' and both properties face Molly Morgan Drive. As Stockland surrounds us, they act as a buffer to the South east residential areas, and the creek area. And with the proposed Chelmsford Drive Road link in close proximity, the long term limitations on height on our lots does not appear to be in keeping with the Class S classification for the rest of the commercial B3 zoned land on the south east side of Molly Morgan Drive..

We would ask that you give our comments consideration and we look forward to hearing back from you.

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

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Yours faithfully



Dan Redman
Director

Encl. 1

20/3

2 of 3

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ORDINARY MEETING AGENDA

11 OCTOBER 2011

DA08-918 REDEVELOPMENT OF MAJOR RETAIL CENTRE - LOT 311, DP1031540, LOT 22, DP653162, PART LOT 7, DP831327, PART LOT 22, DP591803 & PART LOT 250, DP264015 BOUNDED BY MITCHELL DRIVE, MOLLY MORGAN DR & STRONACH AVE, EAST MAITLAND. (Cont.)

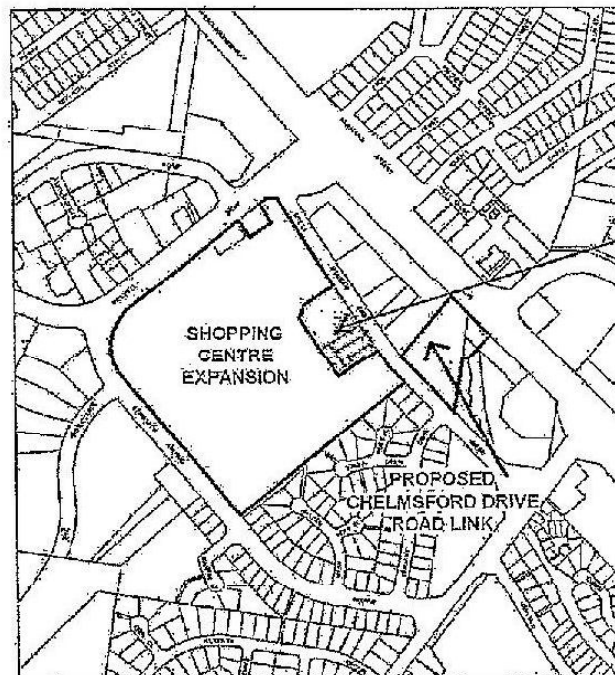


Figure 1. Locality Plan showing proposed development site.

BACKGROUND

The Stockland retail centre as it stands today represents Stage 1 of a two stage development approved by Council on 29 April, 1999 under Development Application No. 98-1601. Stage 2 involves the development of a large bulky goods retail wing, second discount department store, additional specialty shops and eight cinemas along with associated car parking over the top of the existing Two Mile Creek corridor. This particular proposal would add a further 23,500m² of gross leasable area (GLA) to the centre and would involve the removal of a majority of the vegetation along the creek corridor, realignment and part piping of the creek itself and the construction of car parking within 10 metres of the residential properties adjoining the corridor. A plan showing the existing approved development is shown in Figure #. This Stage 2 element of DA 98-1601 remains a valid and active consent on the basis that Stage 1 of the development was completed. It is not proposed that Stage 2 of DA 98-1601 be undertaken and the applicant has indicated that it would accept a consent condition requiring Stockland to enter into a formal deed of agreement with the Council confirming that it will not proceed with Stage 2 of DA 98-1601.

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

Josh Ford

From: Richard Bath <Richard.Bath@environment.nsw.gov.au>
Sent: Monday, 5 August 2013 12:42 PM
To: Josh Ford
Cc: Anne Killick
Subject: Maitland Housekeeping LEP

Follow Up Flag: Follow up
Flag Status: Completed

Josh

In regard to the proposed amendment to Maitland Local Environmental Plan (LEP) 2011 – Housekeeping LEP, OEH notes that the purpose of the amendment is to rectify minor anomalies in the LEP. OEH has no concerns with these minor amendments and supports the update of the LEP.

Please note that given current workloads and priorities no further written advice on this amendment will be provided.

Regards

Richard Bath
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Regional Operations Group
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