

10.7 AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN 2011 - FORMER BOLWARRA URBAN RELEASE AREA

File No:	RZ13006
Attachments:	1. Planning Proposal 2. Correspondence issued by DOPI
Responsible Officer:	Bernie Mortomore - Executive Manager Planning, Environment and Lifestyle Ian Shillington - Manager Urban Growth
Author:	Josh Ford - Strategic Town Planner
Maitland 2021	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

*The subject planning proposal involves making alterations to the extent of the subject site that is currently zoned R1 General Residential zone under the Maitland Local Environmental Plan 2011 (MLEP 2011), based on a revised flood level in the locality and the need for wastewater infrastructure within the site to service future allotments. The land comprises three different land use zones, being R1 General Residential, E3 Environmental Management and E2 Environmental Conservation. Land zoning mapping and minimum lot size mapping will need to be amended for the site, as well as removal of the site from the relevant Urban Release Area (URA) map. The subject planning proposal is annexed to this report as **Attachment 1**.*

*The land is currently mapped as an URA in the MLEP 2011, however, following discussions between the proponent and the Department of Planning and Infrastructure (DOPI), the subject LEP amendment will seek to have the URA status of the land removed. The site is not considered to be of a size or scale to warrant Special Infrastructure Contributions for the State Government. Correspondence issued by DOPI is annexed to this Council report as **Attachment 2**.*

Given the size of the allotment and the scale of the proposal within the final portion of developable land in the immediate locality of Bolwarra, the proposal has been submitted to Council for assessment as a joint rezoning and Development Application. This has previously occurred for sites of a similar size and scale at Mount Harris and Anambah. This approach is considered to provide Council and DOPI with appropriate justification for the proposed amendment and give some level of certainty about the intended outcome for the site.

OFFICER'S RECOMMENDATION**THAT**

- 1. Pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, the planning proposal for land known as Lot 931 DP1178976 Bolwarra Road, Bolwarra (currently known as the Bolwarra Urban Release Area) be submitted to the Department of Planning & Infrastructure for a Gateway Determination.**

2. Council note that the planning proposal intends to remove the Urban Release Area status from the subject land.
3. A further report be presented to Council following the public exhibition period, to demonstrate compliance with the Gateway Determination and to provide details of any submissions received throughout that process.

COUNCIL RESOLUTION**THAT**

1. Pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, the planning proposal for land known as Lot 931 DP1178976 Bolwarra Road, Bolwarra (currently known as the Bolwarra Urban Release Area) be submitted to the Department of Planning & Infrastructure for a Gateway Determination.
2. Council note that the planning proposal intends to remove the Urban Release Area status from the subject land.
3. A further report be presented to Council following the public exhibition period, to demonstrate compliance with the Gateway Determination and to provide details of any submissions received throughout that process.

Moved Clr A Humphery, Seconded Clr P Garnham

CARRIED

The Mayor in accordance with Section 375A of the Local Government Act 1993 called for a division.

The division resulted in 13 for and 0 against, as follows:

For:	Clr R Aitchison	Against:
	Clr L Baker	
	Clr P Blackmore	
	Clr B Burke	
	Clr P Garnham	
	Clr B Geoghegan	
	Clr A Humphery	
	Clr H Meskauskas	
	Clr N Penfold	
	Clr P Penfold	
	Clr S Procter	
	Clr K Wethered	
	Clr B Whiting	