

11.3 AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE

FILE NO:	103/115
ATTACHMENTS:	1. Planning Proposal 2. Draft Precinct Plan
RESPONSIBLE OFFICER:	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle Ian Shillington - Manager Urban Growth
AUTHOR:	Rob Corken - Strategic Town Planner
MAITLAND +10	Outcome 6. Built heritage and sustainable development
COUNCIL OBJECTIVE:	6.1.1 To encourage orderly, feasible and equitable development whilst safeguarding the community's interests, environmentally sensitive areas and residential amenity.

EXECUTIVE SUMMARY

The Maitland Development Control Plan 2011 (MDCP2011) requires that a precinct plan for the Chisholm Neighbourhood Centre be adopted before a development application can be determined on the site. A precinct plan has been prepared and is ready to be exhibited. When adopted the precinct plan will be included in the MDCP2011 and inform the development outcome on the site.

An amendment to the Maitland Local Environmental Plan 1993 in 2010 rezoned 2.5Ha of land in Chisholm to 3(a) General Business and applied a 0.5:1 Floor Space Ratio to cap the maximum floorspace at 12,500m². However, an error occurred during the drafting of the Maitland Local Environmental Plan 2011 that increased the area of the business zone to 3.9Ha.

The planning and development of the Chisholm area has now defined the road layouts and the cadastral boundaries. The area envisaged as the neighbourhood centre is enclosed by Settlers' Boulevard, Tigerhawk and Heritage Drives and an unnamed road to the south. The total area bounded by the roads described above is 4.2Ha and it has resulted in a strip of R1 General Residential zoned land along Settlers' Boulevard. The strip of residential zoned land complicates the planning and development of the centre and it invites the use of various planning mechanisms to achieve a greater floor space than was envisaged for the centre. Therefore, it is recommended that the 4.2Ha defined above is zoned to B1 Neighbourhood Centre and a FSR of 0.3:1 is applied. This will result in a maximum floorspace of 12,600m² over the site.

The height of building control (HOB) for the site is set at 8.0m. However, due to the extent and topography future buildings may exceed this control in places. Therefore it is

recommended that the HOB control be removed from the LEP and be subject to a merit assessment.

A request to include "Recreation facility (indoor)" as a "Permitted with consent" use in the B1 Neighbourhood Centre land use zone has also been received. This request would enable Council to consider a gymnasium in the B1 zone as well as other indoor recreation uses. This is considered appropriate.

This report seeks approval to exhibit the attached amendment to the MDCP2011 to introduce development provisions for the Chisholm Neighbourhood Centre and to seek a Gateway Determination from the Department of Planning and Environment to amend the MLEP2011 to facilitate a development outcome on the site.

OFFICER'S RECOMMENDATION

THAT COUNCIL

- 1. Pursuant to clause 18 of the Environmental Planning and Assessment Regulation 2000, exhibit the attached amendment to the Maitland Development Control Plan for the Chisholm Neighbourhood Centre Precinct for a period of 28 days.**
- 2. Pursuant to s56 of the Environmental Planning and Assessment Act 1979, Council forward the attached planning proposal to the Minister for Planning requesting a gateway determination.**
- 3. Council undertakes community consultation in accordance with the gateway determination.**
- 4. A report is brought back to Council detailing the results of the community consultation.**

COUNCIL RESOLUTION

THAT COUNCIL

- 1. Pursuant to clause 18 of the Environmental Planning and Assessment Regulation 2000, exhibit the attached amendment to the Maitland Development Control Plan for the Chisholm Neighbourhood Centre Precinct for a period of 28 days.**
- 2. Pursuant to s56 of the Environmental Planning and Assessment Act 1979, Council forward the attached planning proposal to the Minister for Planning requesting a gateway determination.**
- 3. Council undertakes community consultation in accordance with the gateway determination.**
- 4. A report is brought back to Council detailing the results of the community consultation.**

Moved Clr L Baker, Seconded Clr B Whiting

CARRIED

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

The division resulted in 10 for and 0 against, as follows:

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

Clr N Penfold declared a significant non-pecuniary interest in item 11.4. Clr N Penfold left the chambers at 5.45pm and did not participate in discussion or voting on the matter