

Wilton Drive East Maitland

Proposal Title : **Wilton Drive East Maitland**

Proposal Summary : **To rezone approximately 5,000 m2 of land currently zoned E4 Environmental Living, to R1 General Residential and amend the minimum lot size to facilitate residential development.**

PP Number : **PP_2012_MAITL_001_00**

Dop File No : **12/02449**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions :

- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.2 Mine Subsidence and Unstable Land**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**

Additional Information :

- 1. Council is to amend the mapping of the proposed rezoning to ensure that the portion of the road adjoining the proposed site, and to be between two parcels of land zoned R1 General Residential, is also zoned R1 General Residential.**
- 2. Council is to place on public exhibition a copy of the Acid Sulfate Soils Map for the site, as mapped in Maitland LEP 2011.**
- 3. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.**
- 4. Council is to consult with the Mine Subsidence Board prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.2 Mine Subsidence and Unstable Land.**
- 5. 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 must be made publicly available for 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).**
- 6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:**
 - Office of Environment and Heritage**
 - NSW Rural Fire Service**
 - Mine Subsidence Board**

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

7. 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).

8. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

9. That the DG agree that inconsistency with Direction 3.1 Residential Zones is considered minor and therefore justified.

Supporting Reasons : The proposal is considered a minor extension to an existing urban area and the existing environmental zoning has been assessed as inappropriate for the site. It is considered appropriate to progress the investigation of this site.

Panel Recommendation

Recommendation Date : 01-Mar-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council is to amend the proposed land zoning map at Appendix 2 to include the portion of Wilton Drive directly south of the subject land. This land is to be zoned R1 General Residential, as is the case on surrounding residentially zoned land.

2. Council is to include a copy of the Acid Sulfate Soils Map for the site, as mapped in Maitland LEP 2011, on public exhibition with the planning proposal.

3. 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 2009) and must be made publicly available for 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage
- Mine Subsidence Board
- NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. Further to Condition 4 above, Council is to consult with the Office of Environment and Heritage prior to undertaking community consultation and take into consideration any comments made. Should further research be requested upon consultation, any studies and findings are to be placed on public exhibition with the planning proposal.

6. Further to Condition 4 above, in accordance with S117 Direction 4.2 Mine Subsidence and Unstable Land, Council is to consult with the Mine and Subsidence Board prior to undertaking community consultation and take into account any comments made.

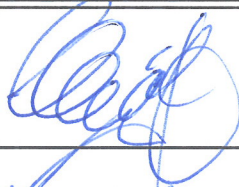
7. Further to Condition 4 above, in accordance with S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire

Service and take into account any comments made, prior to public exhibition of the planning proposal.

8. 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).

9. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Neil McGaffin

Date:

7.3.12