

## Planning Services

### Gateway Determination Report

<b>LGA</b>	Maitland
<b>PPA</b>	Maitland City Council
<b>NAME</b>	Reclassification of Part Lot 3 DP 900245 at The Avenue Lorn (0 homes, 0 jobs)
<b>NUMBER</b>	PP_2018_MAITL_001_00
<b>LEP TO BE AMENDED</b>	Maitland Local Environmental Plan 2011
<b>ADDRESS</b>	Ron Bown Park at The Avenue, Lorn
<b>DESCRIPTION</b>	Part Lot 3 DP 900245
<b>RECEIVED</b>	23 May 2018 - Adequate 3 July 2018
<b>FILE NO.</b>	EF18/7322
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## INTRODUCTION

### Description of planning proposal

The planning proposal aims to reclassify part Lot 3 DP 900245 from community land to operational land to formalise existing and future access arrangements. Lot 3 has a total area of 3794sm and it is proposed to reclassify approximately 1600sm to operational land. Council intends to retain ownership of Lot 3 DP900245 and confirms that it does not wish to discharge any existing interests.

It is likely that a right of carriageway would be created should it be reclassified to formalise existing and future vehicle access arrangements to the rear of the properties along Belmore Road over the existing parking area of the Ron Bown Park.

### Site description

Ron Bown Park is surrounded by urban development, with commercial land uses along Belmore Road and residential dwellings along Lorn Street and The Avenue. Lot 1 DP600082 (No.6 The Avenue) provides vehicle access to Ron Bown Park and is already classified as operational land.

Ron Bown Park is confined to Lot 1 DP600082 (access) and Lot 3 DP 900245 (parking and park), and does not extend over the large privately owned vacant allotment (Lot 6 DP900935) zoned RU1 Primary Production to the south. (Figure 1, context map, next page).

The properties fronting Belmore Road have been gaining access to the rear of their properties through the car park over many years. Council advises that there have been no formal arrangements for this access to date.



Figure 1: Context map

### Existing planning controls

Ron Bown Park and the properties along Belmore Road are currently zoned as B1 Neighbourhood Centre. (Figure 2 – Zoning Map, below). The planning proposal is not seeking to change the planning controls of the land.

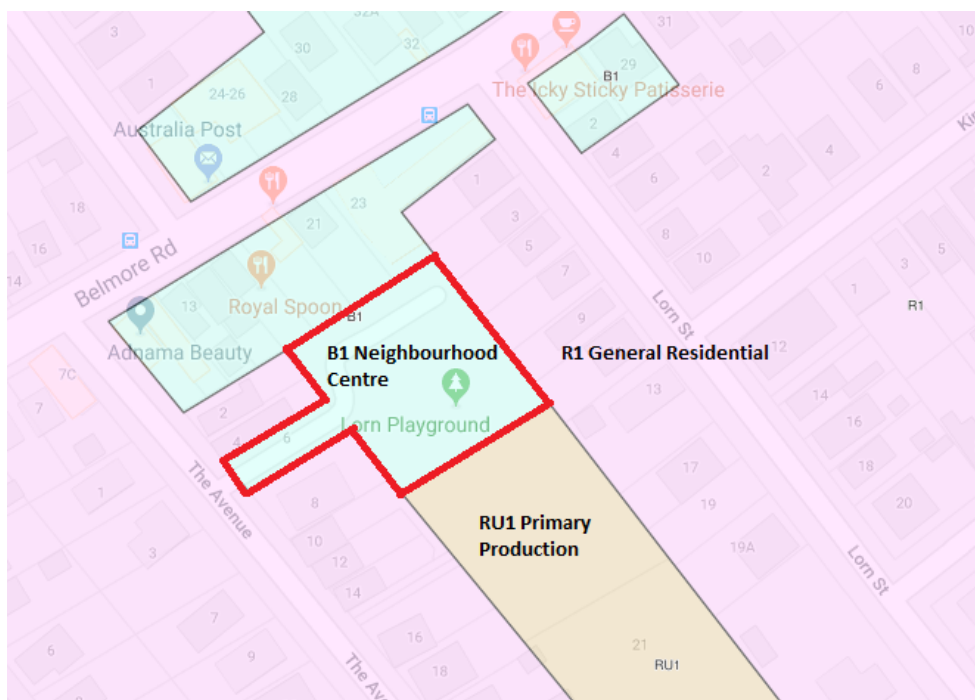


Figure 2: Zoning Map

## **Background**

Council purchased the subject land for public car parking purposes on 14 December 1975. Council advises that a search of its records found that the subject site was not designated as a 'public reserve' under the Local Government Act 1993. Council 's title search found three fencing covenants and a right of carriageway benefiting the subject land running along the western boundary of No. 19 Belmore Road, Lorn. Council advises that the right of carriageway is being retained as part of redeveloping 19 - 21 Belmore Road, Lorn. Council confirms that it does not wish to discharge any existing interests (**Attachment A**).

Council advises that the owners of 19 - 21 Belmore Road, Lorn are in the planning stages of a major redevelopment of their land and have requested that Council give them permission to gain rear access to their properties over the existing parking area of Ron Bown Park. Council states that it does not have the power to grant a lease or licence over community land for residential vehicle access to a non-Council owned property under the *Local Government Act 1993*. The effect of the proposed reclassification would enable Council to consider rear access to those properties as a part of development application process to ensure efficient and improved traffic circulation within the area.

## **Summary of recommendation**

Proceed with conditions – The planning proposal will enable the existing access arrangements to be formalised and allow future access to be assessed as part of future development applications. This may encourage further redevelopment and revitalisation along Belmore Road and improve vehicle access and safety for residents and businesses.

## **PROPOSAL**

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### **Objectives or intended outcomes**

The planning proposal clearly outlines its objectives and intended outcomes. No amendments to the objectives are required prior to community consultation.

### **Explanation of provisions**

The planning proposal aims to reclassify part Lot 3 DP 900245 from community land to operational land. This will involve amending Schedule 4 Classification and reclassification of public land under Maitland Local Environmental Plan 2011 to include part Lot 3 DP 900245, The Avenue, Lorn under Part 1 Land classified, or reclassified, as operational land – no interests changed.

To identify the part of Lot 3 being reclassified, Council has prepared a Land Reclassification (Part Lots) Map, which will form part of the Maitland LEP 2011.

### **Mapping**

The planning proposal includes aerial photographs and a draft Land Reclassification (Part Lots) Map. The draft Land Reclassification (Part Lots) Map clearly identifies the land being reclassified. No mapping updates are required prior to community consultation.

## **NEED FOR THE PLANNING PROPOSAL**

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The planning proposal is the best means of achieving the objectives and intended outcomes for the land. It will enable existing and future access arrangements over the existing carpark to be formalised. Council does not intend to change the use of the land for a public carpark and it does not affect the adjoining parkland.

## **STRATEGIC ASSESSMENT**

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### **State/Regional**

The Hunter Regional Plan 2036 (RP) vision aims to facilitate a leading regional economy, a biodiversity rich natural environment, thriving communities and greater housing choice. The planning proposal implements the RP, specifically part of Direction 23 Grow Centres and renewal corridors (action 23.1) which aims to concentrate growth in local centres to support economic and population growth and a mix of uses. It is considered that formalising existing and future access arrangements, may encourage further redevelopment and revitalisation within the Lorn neighbourhood centre.

The Draft Greater Newcastle Metropolitan Plan 2036 does not include any specific provisions related to this local centre.

### **Local**

The planning proposal is consistent with and aligns with the 'our built space' strategic directions and overarching objectives of the Maitland 10+ Community Strategic Plan.

### **Section 9.1 Ministerial Directions**

#### Direction 6.2 Reserving Land for Public Purposes

The planning proposal involves reclassifying part of an allotment from community land to operational land. Council advises that the land is not defined as a 'public reserve' under the Local Government Act 1993 and will remain as a public car park. The purpose of this reclassification is to formalise existing and future vehicle access arrangements to the rear of the properties along Belmore Road over the existing car park area.

The planning proposal requires the Secretary's approval because it alters the reservation of the land for a public purpose by changing its classification from community to operational land. It is recommended that the Secretary's delegate approve the alteration to land reserved for public purposes in accordance with this direction, based on Council's advice that it will be retained as a public carpark.

No other section 9.1 Minister's directions apply or are relevant to this planning proposal.

### **State environmental planning policies**

This planning proposal involves the reclassification of land under the Local Government Act 1993 and does not propose any changes to current land use zoning or development standards.

It does not compromise the operation of any SEPPs, that will continue to apply to the land.

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## **SITE SPECIFIC ASSESSMENT**

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### **Social**

The planning proposal should have positive social benefits by enabling the formalising of existing and future access arrangements to improve access and safety for residents and businesses.

### **Environmental**

The reclassification of land does not require the removal of any vegetation. Council advises that the subject land does not contain any critical habitat or threatened species, populations or ecological communities, or their habitats.

### **Economic**

Council advises that the owners of 19 - 21 Belmore Road, Lorn are in the planning stages of a major redevelopment of their land and have requested that Council give them permission to gain rear access to their properties over the existing parking area of Ron Bown Park.

Formalising existing and future access arrangements may be a catalyst for future redevelopment along Belmore Road, which will have positive economic benefits to the local economy.

## **CONSULTATION**

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### **Community**

Council proposes to exhibit the planning proposal for 28 days. This is adequate and consistent with Schedule 1 Community participation requirements of the *Environmental Planning and Assessment Act 1979* and the Department's LEP practice note PN16-001 Classification and reclassification of public land through a local environmental plan.

A public hearing will be held in accordance with Section 29 of the *Local Government Act 1993*. Council will give notice of the arrangements for the public hearing in a local newspaper, Council's website and give notice in a letter to each of the persons who requested a public hearing when making a submission, at least 21 days before the date of the hearing.

### **Agencies**

Council has not proposed any formal consultation with any government agencies. Council advises that it will comply with any Gateway determination consultation requirements.

In the circumstances, consultation with other government agencies is not required.

## **TIME FRAME**

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Council's project timeframe suggests a 6-month completion timeframe but requests a 12-month LEP timeframe in the covering letter. A 12-month completion timeframe is supported to provide sufficient time to respond to any issues raised during the public exhibition period and/or public hearing.



## **LOCAL PLAN-MAKING AUTHORITY**

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Council advises that it does not want to be issued with the Minister's plan making delegations. Delegation is not recommended for the reclassification of Council owned land.

## **CONCLUSION**

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The planning proposal is supported to proceed with conditions.

The planning proposal implements the Hunter Regional Plan 2036, by potentially encouraging further redevelopment and revitalisation within the Lorn neighbourhood centre.

## **RECOMMENDATION**

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It is recommended that the delegate of the Secretary:

1. Approve the change in reservation of land for public purposes in accordance with Direction 6.2 Reserving Land for Public Purposes based on Council's advice that it will be retained as a carpark.

It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. No public agency consultation is required.
3. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.
4. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.



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