

- 33. LA2/2011 - Planning Proposal for 2A & 3-5 Howe Street and 2A-10 Maitland Road, Singleton**
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FILE: LA2/2011

Executive Summary

The 2010 Development Application (DA119/2010) for two fast food outlets on the south-eastern side of the intersection of Howe Street and Maitland Road (the New England Highway) is dependent upon additional on-site car parking being provided outside the area covered by the current enabling clause. The planning proposal rationalises the enabling clause by including only the land for the proposed development site and only the proposed land use.

The planning proposal also rezones land adjoining the southern side of the McDonalds' site which will become surplus road reserve in the near future. The land will be rezoned to 3 Business in line with the adjoining McDonalds' site which is in the process of being rezoned and will soon be finalised.

It is therefore recommended that Council support the planning proposal to allow full development of the subject land to be realised.

RECOMMENDED that Council support the attached planning proposal (File: LA2/2011) and request the NSW Department of Planning & Infrastructure to provide a gateway determination.

Background:

This planning proposal has been prepared following the submission of a request to amend the enabling clause over the land on the south-eastern corner of Howe Street and Maitland Road by Phillip Orth on behalf of the property owner Korth Developments Pty Ltd.

An application had formerly been lodged some years ago for a fast food outlet on the corner of Howe Street and Maitland Road (the New England Highway). The land is zoned 2 Residential and "refreshment rooms" are prohibited. The development was permitted by means of an "enabling clause". A new development application was lodged last year for two fast food outlets on the site and there was found to be insufficient area to meet on-site car parking requirements.

Further to this, Council is about to realign Howe Street so that it meets Orchard Avenue, to form a cross road with the New England Highway, and traffic lights will be installed to control the intersection. As a result the McDonalds frontage will need to be extended over the old road reserve to provide access to the new road alignment. To allow extension of the access, car parking and signage uses onto this land it will need to be rezoned to Business. Although the existing McDonalds site is currently zoned Residential, a planning proposal will soon be finalised by the NSW Department of Planning & Infrastructure which will rezone it to Business.

A copy of the planning proposal is appended as **Attachment 1**.

The location of the subject land is shown in **Attachment 2** of the planning proposal. Aerial photography is shown in **Attachment 3** of the planning proposal. Existing zoning the land to which the existing enabling clause applies is shown in **Attachment 4** of the planning proposal.

The proposed rezoning and the land to which the updated enabling clause is to apply is shown in **Attachment 5** of the planning proposal.

Management Plan:

Not applicable.

Council Policy/Legislation:

Since Singleton is not a prioritised council and finalising the Standard Instrument (SI) LEP is not scheduled until mid 2012, the planning proposal needs to be progressed as an amendment to Singleton LEP 1996. The enabling clause which already covers most of the development site on the south-east side of the Howe Street intersection, has been extended to cover the additional strip of land to the east, proposed for the additional parking spaces which are required. It has also been redefined to cover only the current development site and proposed land use, and updated with current property descriptions.

The road reserve adjoining the south of the McDonalds site which will soon be surplus to Council's needs, also needs to be rezoned to permit the proposed uses of access to the McDonalds site, parking and signage.

Financial Implications:

The only direct financial implication for Council will be the sale of the surplus road reserve to McDonalds.

Consultation/Social Implications:

The gateway determination will specify the community consultation requirements for the planning proposal. Given that the planning proposal is generally consistent with the relevant adopted and endorsed strategic planning framework and of a minor nature, it is considered likely that it would be classified as a "low impact planning proposal" and the minimum exhibition period of 14 days would apply.

The planning proposal will provide for additional choice and competition for the supply of "fast food" for local residents and travellers. The provision of additional off-street parking and improved street alignment which will be facilitated by the planning proposal will assist in reducing current traffic impacts in the vicinity.

Nearby residents will have the opportunity to raise issues of concern in response to public exhibition of the planning proposal and any relevant Development Applications which may be lodged.

*Planning and Regulations Report (Items Requiring Decision) - DP&R33/11***Environmental Consideration:**

The subject sites were developed for urban purposes many years ago and are now in the process of being redeveloped. Requisite environmental controls such as sediment and erosion control will be implemented through the development consent process, so there will be no environmental impacts as a result of the proposal.

Risk Implications:

Not applicable.

Options:

Council may either support or not support the planning proposal.

Conclusions:

The 2010 Development Application (DA119/2010) for two fast food outlets on the south-eastern side of the intersection of Howe Street and Maitland Road (the New England Highway) is dependent upon additional on-site car parking being provided outside the area covered by the current enabling clause. The planning proposal rationalises the enabling clause by including only the land for the proposed development site and only the proposed land use.

The planning proposal also rezones land adjoining the southern side of the McDonalds' site which will become surplus road reserve in the near future. The land will be rezoned to 3 Business in line with the adjoining McDonalds' site which is in the process of being rezoned and will soon be finalised.

It is therefore recommended that Council support the planning proposal to allow full development of the subject land to be realised.

Attachments

- AT-1 Planning Proposal - LA2/2011
- AT-2 Locality Plan - LA2/2011
- AT-3 Aerial - LA2/2011
- AT-4 Zoning - LA2/2011
- AT-5 New Enabling & Zoning - LA2/2011



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