

**Singleton Council - Planning proposal for 2A & 3-5 Howe  
Street and 2A-10 Maitland Road, Singleton – March 2011  
(File: LA2/2011)**

**Table of Contents**

Introduction  
Part1 – Objectives or Intended Outcomes  
Part 2 – Explanation of Provisions  
Part 3 – Justification  
Part 4 – Community Consultation  
Conclusion

Attachment 1: Locality Plan  
Attachment 2: Aerial Photo  
Attachment 3: Existing Zoning and Existing Enabling Clause Map  
Attachment 4: Proposed Zoning and Proposed Enabling Clause Map

### Introduction

This planning proposal has been prepared following the submission of a request to amend the enabling clause over the land by Phillip Orth on behalf of the property owner Korth Developments Pty Ltd.

Approval had formerly been issued 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.

### Part 1 – Objectives or Intended Outcomes

The purpose of this planning proposal is to extend the enabling clause over part of the adjoining allotment to the east to allow development of the additional car parking spaces which will be required. The planning proposal also updates the enabling clause with current property descriptions and deletes “motor showrooms” which are no longer seen to be an appropriate use on the site. It also removes part of the land to the north where the road is to be realigned and part of the land to the south, which has now been developed with a permissible land use, so an enabling clause is no longer required over it (Lot 432 DP 1091041 which was previously Lots 39 to 42 and part of Lot 43 DP 234835).

In addition to this, the planning proposal includes the rezoning of land adjoining the southern side of the existing McDonalds site from 2 Residential to 3 Business. This land forms part of the current road reserve. However, the road is soon to be realigned and this will become surplus land which will be sold to McDonalds. The road reserve in this area takes on the zoning of adjoining residential land, so to allow McDonalds to extend their access, parking and signage onto the land it will need to be rezoned.

The location of the subject land is shown in **Attachment 1**. Aerial photography is shown in **Attachment 2**. Existing zoning the land to which the existing enabling clause applies is shown in **Attachment 3**.

The proposed rezoning and the land to which the updated enabling clause is to apply is shown in **Attachment 4**.

### Part 2 – Explanation of Provisions

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 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.

**1. Name of plan**

This plan is *Singleton Local Environmental Plan 1996 (Amendment No 75)*.

**2. Commencement**

This plan commences on the day on which it is published on the NSW legislation website.

**3. Aim of the plan**

The planning proposal aims to extend the enabling clause over part of the adjoining allotment to allow development of the additional car parking spaces which will be required. The planning proposal also updates the enabling clause with current property descriptions for the current development site only and only permits “refreshment rooms” which is the land use proposed for the site. It excludes land to the north which will shortly become road reserve, and land to the south which has been developed with a permissible use.

The plan also aims to rezone land adjoining the south of the existing McDonalds site to Business, to allow extension of existing uses to the road frontage to the new road alignment.

**4. Land to which this plan applies**

This plan applies to Lot 31 DP 1161474, Lot 5 DP 1148615, Lots 44-46 DP 234835, Lot 431 DP 1091041 and Lot 1 DP 1148615, Parish of Whittingham, being 2A-10 Maitland Road and 2A and 3-5 Howe Street, Singleton.

**5. Amendment of Singleton Local Environmental Plan 1996**

Insert in the definition of “the map” in appropriate order:

Singleton Local Environmental Plan (Amendment No 75)

Delete the following paragraph from Schedule 4:

Land being Lots 1, 2 and 39-46, DP 234835, being Nos 2-16 Maitland Road, and No 1 Howe Street and No 2 Kennedy

Street, Singleton---tourist facilities, refreshment rooms, tourist accommodation and motor showrooms.

And insert instead the following:

Land being Lot 31 DP 1161474, Lot 5 DP 1148615, Lots 44-46 DP 234835 and Lot 431 DP 1091041, Parish of Whittingham, being 2A-10 Maitland Road and 3-5 Howe Street, Singleton---refreshment rooms.

### Part 3 - Justification

#### Section A – Need for the planning proposal

##### *1. Is the planning proposal a result of any strategic study or report?*

Councils' Singleton Land Use Strategy 2008 identifies the potential for limited business development along Maitland Road and George Street (New England Highway), especially where access is from existing side streets rather than directly from the Highway. The planning proposal is therefore generally in accordance with the Strategy.

##### *2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The existing enabling clause over the land on the eastern side of Maitland Road (New England Highway) between Howe Street and Kennedy Street was drafted in 2002 (Amendment No 31) and gazetted in June 2003 to facilitate redevelopment of former Housing Commission land along the Highway. The southern part of the land was developed with serviced apartments soon after this, however, the northern part remained undeveloped due to the significant intersection works required at Howe Street. These works have now been funded and are about to commence. A new development application (DA) over the site was lodged last year for two fast food outlets. This DA incorporates the new alignment of Howe Street, and a strip of additional land to the east, to provide additional car parking. The enabling clause has therefore been revised to facilitate this current DA. This is considered to be the best way to progress development on the site.

The existing McDonalds site on the northern side of the Howe Street intersection is in the process of being rezoned to 3 Business, and is only awaiting sign-off by the Minister at this stage. It is therefore considered that the best approach is to rezone the adjoining surplus land from the road reserve to 3 Business and consolidate it with the site.

##### *3. Is there a net community benefit?*

Once Howe Street is realigned, and the two fast food outlets on the southern side developed, and the McDonalds frontage developed out to the new street alignment (and additional parking provided on the eastern side) the area will provide a wide

range of choice for the community and competition will be an incentive for businesses to provide a good service to the public at a reasonable price.

*Section B – Relationship to strategic planning framework*

*4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?*

There is no regional or sub-regional strategy that applies to the land.

*5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

Council is yet to prepare its ten year Community Strategic Plan.

The planning proposal is generally consistent with the current, relevant, local strategic plan, which is the Singleton Land Use Strategy 2008. It facilitates business support type development with access limited to existing side streets off the Highway.

*6. Is the planning proposal consistent with applicable state environmental planning policies?*

The planning proposal is not inconsistent with any applicable state environmental planning policy (SEPP). Future development of the site has the potential to be affected by the following SEPPs:

- SEPP No 22---Shops and Commercial Premises;
- SEPP (Exempt and Complying Development Codes) 2008.

These SEPPs merely provide for the change of use to another similar use.

*7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

Section 117 Directions that affect the proposal are:

*Direction 3.1 – Residential Zones; and*  
*Direction 3.4 – Integrating Land Use and Transport.*

They relate to improving housing choice and transport choice. Whilst the planning proposal may be seen to be technically inconsistent with the Directions, the proposals are of such a minor nature that there will be no impact.

Whilst Direction 4.3 – *Flood prone land* applies to the proposal it is not inconsistent with the direction.

*Section C – Environmental, social and economic impact*

*8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No. The subject sites were developed for urban purposes many years ago and are now in the process of being redeveloped.

*9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are no other likely environmental effects associated with this planning proposal.

*10. How has the planning proposal adequately addressed any social and economic effects?*

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.

#### Section D – State and Commonwealth interests

*11. Is there adequate public infrastructure for the planning proposal?*

Services and infrastructure are discussed in Part 3 – Section B of this planning proposal. In conclusion, the proposal will only realise one additional allotment which will not place any significant demand on services and infrastructure.

*12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

A response to this section will be provided following the gateway determination, however, it is anticipated that consultation will not be required since it has already occurred with the RTA in relation to the DA and the intersection realignment at Howe Street.

#### Part 4 – Community Consultation

The gateway determination will specify the community consultation requirements for this 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.

#### Conclusion

The 2010 DA 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. This 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.

Attachment 1 - Locality



Attachment 2 - Aerial Photo

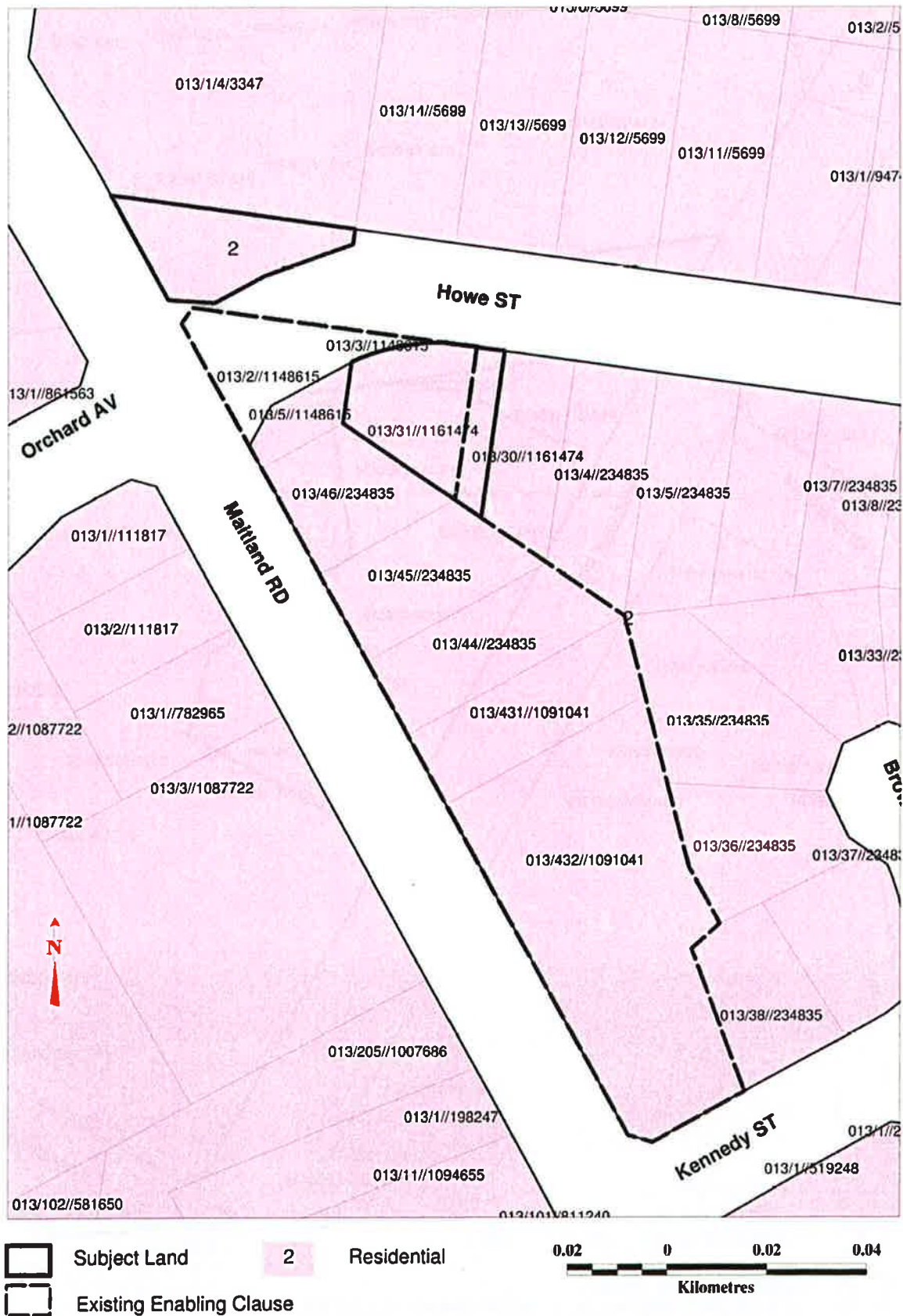


 Subject Land

0.05 0 0.05 0.1  
Kilometres



Attachment 3 - Existing Zoning and Existing Enabling Clause



## Attachment 4 - Proposed Zoning &amp; Proposed Enabling Clause

