

PLANNING PROPOSAL

Amendment to the Maitland LEP 1993

Maitland Nissan,

New England Highway East Maitland

Rezoning of Lot 4 & Lot 20 DP 32654, Lot 1 DP 155277, Lot A DP 159179 and part of Lot 1 DP 1035515

**Version 1.1
11 March 2010**



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Version

Version 1.0 – 22 February 2010, report to Council

Version 1.1 – 11 March 2010, submission to Dept of Planning

PART 1: OBJECTIVES and BACKGROUND

In accordance with clause 55 of the Environmental Planning and Assessment Act 1979, this planning proposal has been prepared to enable the development of land fronting the New England Highway for a range of activities to support the needs of the travelling public. This will also permit the Maitland Nissan business activity (motor vehicle sales) to re-develop in its current established location. A locality plan is shown in Appendix 1.

This planning proposal has been prepared in response to a request from Bradtrust Pty Limited, owners of the subject land and Maitland Nissan business, to clarify the planning provisions affecting their land with the intent to expand their operations. The request was first made in 2006, and Council resolved to prepare an amendment to the Maitland Local Environmental Plan 1993 on 8 August 2006. However, as the resolution for the Maitland Nissan proposal was linked to a series of minor amendments which have subsequently been gazetted, it has been advised by the Department of Planning that a fresh resolution of Council to recommence the proposal is necessary.

The Maitland Nissan site is split zoned, and is partly in Zone 2(a) Residential and Zone 3(c) Special Business as described in the Maitland Local Environmental Plan 1993. Motor vehicle sales are prohibited in Zone 2(a) but are permissible with consent (defined as bulky goods development) in Zone 3(c).

Maitland Nissan operates from Lot 4 and Lot 20 DP 32654 and Lot 1 DP 155277 under existing use entitlements. The motor vehicle sales also occur on Lot 131 & 132 DP 634032 and Lot 14 & 21 DP 32654 under previous approvals, however it is also permissible with consent as this land is in Zone 3(c) Special Business.

Approval was granted for various motor vehicle sales activities, showrooms, storage areas and a car repair station dating back to 8 June 1965. The use of the site for motor vehicle sales has been continuous for more than 45 years.

PART 2: EXPLANATION of PROVISIONS

The objective of this planning proposal is intended to be achieved by amending the Maitland Local Environmental Plan 1993. The amendment would involve a change to the land zoning as described in Table 1 and shown in the proposed zoning map in Appendix 2.

Table 1: Proposed zoning changes

Land description	Current zoning	Proposed zoning
Lot 4 DP 32654	Zone 2(a) Residential	Zone 3(c) Special Business
Lot 20 DP 32654		
Lot 1 DP 155277		
Lot A DP 159179		

Part of Lot 1 DP 1035515		
<i>TOTAL area: approx. 3,500 m²</i>		

The objective of Zone 3(c) Special Business is to promote tourism and to provide for services for the travelling public. The sale of motor vehicles is considered to be a bulky goods retailing activity and this is permissible with consent in the 3(c) zone. Other uses permissible in this zone include various forms of tourist accommodation, business premises, convenience stores, passenger transport terminals, recreation facilities, refreshment rooms, service stations and infrastructure facilities.

PART 3: JUSTIFICATION for PROPOSED REZONING

In accordance with the Department of Planning's 'Guide to Preparing Planning Proposals', this section provides a response to the following issues:

- Section A: Need for proposal;
- Section B: Policy Context;
- Section C: Potential Environmental, Social and Economic impact; and
- Section D: Other Government Interests.

Section A – NEED for the PLANNING PROPOSAL

1. Resulting from a Strategic Study or Report

The Planning Proposal is not a result of a strategic study or report. A specific request was made by the owner of the land to clarify the planning provisions applying to their land and to enable expansion of their existing operations.

2. Planning Proposal as best way to achieve the objectives

A Planning Proposal to rezone the land to Zone 3(c) Special Business is considered to be the best way to achieve the proposed objectives. Alternatives to achieve the objectives are considered in Table 2.

Table 2: Options for Planning Proposal objectives

Options	Clarify planning provisions	Permit expansion of motor vehicle sales	Consistent with strategic directions for location
Rezone land to Zone 3(c) Special Business	✓	✓	✓

Rezone land to other zone that permits motor vehicle sales	✓	✓	✗
Permit motor vehicle sales as an additional use on specific land (clause 48 of MLEP 1993)	✓	✓	✗
No change to Maitland LEP 1993	✗	✗	✗

Motor vehicle sales are permissible in all business and industrial zones, as well as the flood-labile residential zone in the Maitland Local Environmental Plan 1993. The 3(a) General Business and 3(b) Support Business zones are not considered appropriate as these zones are applied to activity centres in the Maitland local government area. An isolated area of industrial zoning is not considered appropriate, nor would it be compatible with the adjoining residential environs. The land is not located in the 1% AEP floodplain; hence it is not appropriate to zone the land as a flood-labile residential area.

An additional permitted use on the subject land is not considered to be the best approach to achieve the objectives of the Planning Proposal as it would limit the ongoing use of the site to motor vehicle sales only, and the site has potential for a range of uses that would service the travelling public, including refreshment rooms or tourist accommodation.

3. Net Community Benefit

There is no significant net community benefit associated with this proposal, and it retains the status quo in relation to the nature of the area.

The Planning Proposal supports the ongoing operation of an established business activity in the Maitland local government area and will provide opportunities for expanded or new commercial activity that will not have a detrimental effect on existing or future activity centres.

A significant investment has been made by the owners of the site in relation to the existing operations and there is substantial planning merit to support the increased area and location of the special business zone. The planning merits are outlined in Section C.

The future expansion and better utilisation of the site may result in a minor increase in employment opportunities and services to residents of Maitland and those travelling along the New England Highway corridor.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

4. Consistency with Objectives and Actions within Regional Strategies

The applicable regional strategy is the Lower Hunter Regional Strategy.

Lower Hunter Regional Strategy (NSW Dept of Planning) – October 2006

The Lower Hunter Regional Strategy aims to provide diverse employment opportunities, access to quality infrastructure and balanced environmental, economic and social outcomes. In relation to centres and corridors, there is a strategic action to "facilitate the concentration of activities along transport routes and within and adjacent to centres" (LHRS, p. 17).

The Planning Proposal is consistent with these aims and the action as it has the effect of better utilising land already developed for commercial activities fronting the New England Highway (a nationally significant transport route), without negatively impacting on the role or function of centres in Maitland by providing for a specialised business area.

5. Consistency with Council's Community Strategic Plan or other Local Strategic Plan

Council is currently preparing a draft community strategic plan in line with the new Integrated Planning and Reporting legislation and guidelines. With regard to land use strategies, the following documents provide the appropriate strategic policy framework to support this planning proposal.

Maitland Urban Settlement Strategy 2001-2021 (Maitland City Council) – 2008 Edition

The Maitland Urban Settlement Strategy encourages a commercial hierarchy and a focus on activity centres with growth in these areas to match population increases in new urban release areas. A series of centres are identified in the Settlement Strategy, along with local renewal corridors.

The subject land is positioned in the Greenhills/ East Maitland local renewal corridor.

The function of a local renewal corridor is to allow for clusters of low to medium density residential development, mixed use businesses and enterprise development along main road links. Re-development would involve coordinated block proposals, encouraging better access to the site without negative impact on the transport function of the road corridors. This is also proposed to reduce the extent of ribbon commercial development.

The emphasis for the Greenhills/ East Maitland renewal corridor is the intensification of residential development, with less intensive commercial uses than the commercial core areas of Greenhills and Central Maitland.

The Planning Proposal is consistent with the Settlement Strategy as it supports the role of a local renewal corridor and the needs of the travelling public. Matching an appropriate zoning to the land use also recognises the amount of commercial activity occurring in this area, and the zoning plan will also enable a coordinated block approach to the re-development of the site.

Maitland Activity Centres and Employment Clusters Strategy (Maitland City Council) – January 2010

The purpose of the Maitland Activity Centres and Employment Clusters Strategy is to provide a logical hierarchy and network of centre and clusters which support the growth of the local economy and

employment in Maitland. Employment corridors are identified in order to provide for a diverse range of employment generating activities within a contained area and are located on major transit routes.

The subject land is positioned within the New England Highway corridor. The vision for this area is to continue to reinforce its primary role as a significant corridor for the movement of freight and people, and to provide appropriate opportunities for business and residential uses which service the users and utilise this highly accessible corridor.

The Planning Proposal is consistent with the Activity Centres and Employment Clusters Strategy as it provides for commercial activity to support the travelling public and would enable an improved access arrangement for the site to reduce the impact on transport movements on the New England Highway.

6. Consistency with applicable State Environmental Planning Policies (SEPPs)

There are no existing or draft SEPPs that prohibit or restrict the proposed development as outlined in this planning proposal. An assessment of relevant SEPPs against the planning proposal is provided in the table below.

Table 3: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP No. 21 – Caravan Parks	Encourages proper management and development of land for caravan parks. Caravan parks are a permissible use in Zone 3(c) Special Business in Maitland LEP 1993.	Nothing in this Planning Proposal is inconsistent with the aims and provisions of this SEPP.
SEPP No. 22 – Shops and commercial premises	Permits a change of use from one kind of shop to another, or to one kind of commercial premises to another, subject to development consent. Business premises and convenience stores are permissible with consent in Zone 3(c) Special Business in Maitland LEP 1993.	Nothing in this Planning Proposal is inconsistent with the aims and provisions of this SEPP.
SEPP No. 32 – Urban consolidation	Promotes the orderly and economic use of land by enabling re-development for multi-unit housing. Multi-unit housing forms are permissible with consent in Zone 2(a) Residential, but prohibited in Zone 3(c) Special Business.	The subject land has not been identified for multi-unit housing.
SEPP No. 55 – Remediation of land	Promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or the environment.	It is considered that the site is suitable for the purposes of Zone 3(c) Special Business.
SEPP No. 60 – Exempt and complying development	Provides for exempt and complying development. There are no provisions for exempt and complying development in the Maitland LEP 1993.	Nothing in this Planning Proposal is inconsistent with the aims and provisions of this SEPP.
SEPP No. 62 – Sustainable aquaculture	Encourages sustainable aquaculture. It is considered that Zone 3(c) Special Business is equivalent to B6 Enterprise Corridor in the standard instrument. Tank-based aquaculture would be permissible in this zone.	Nothing in this Planning Proposal is inconsistent with the aims and provisions of this SEPP.

SEPP No. 64 – Advertising and signage	Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area.	Any future development application for the site will need to demonstrate compliance with the standards of this SEPP.
SEPP – Exempt and complying development codes (2008)	Provides for a streamlined assessment process for development that complies with specified development standards.	Nothing in this Planning Proposal is inconsistent with the aims and provisions of this SEPP.
SEPP – Housing for seniors (2004)	Encourages the provision of housing that will increase the supply and diversity of residential accommodation that meets the needs of seniors or people with a disability in urban areas. This policy applies to land in Zone 2(a) Residential, but would not apply to land in Zone 3(c) Special Business as dwelling houses, hospitals or special uses are not permissible in this zone.	No applications for seniors housing has been considered for this site. The site adjoins land in Zone 2(a) Residential and therefore the SEPP may continue to apply for certain types of seniors housing.
SEPP – Infrastructure (2007)	Provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	Nothing in this planning proposal affects with the aims and provisions of this SEPP.
SEPP – Temporary structures (2007)	Ensures that suitable provision is made for ensuring the safety of persons using temporary structures.	Nothing in this Planning Proposal is inconsistent with the aims and provisions of this SEPP.

7. Consistency with applicable Ministerial Directions for Local Plan making

There is no s.117 Ministerial Direction that the proposed development is inconsistent with. An assessment of relevant s.117 Directions against the planning proposal is provided in the table below.

Table 4: Relevant s.117 Ministerial Directions

Ministerial Direction	Aim of the Direction	Consistency and Implications
1.1 Business and Industrial Zones	Encourage employment growth, protect employment land in business zones and support the viability of identified strategic centres.	The Planning Proposal is consistent with the Direction and does not reduce the potential for business or industrial development.
3.1 Residential Zones	Encourage a variety of housing types and make efficient use of existing infrastructure.	The Planning Proposal aims to reduce the amount of residential land, but this is considered to be of minor significance (approximately 3,500m ²).
3.4 Integrating Land Use and Transport	Ensure that development integrates land use and transport planning objectives.	The Planning Proposal will result in a minor change in urban zones and is considered to have minimal significance on transport needs.
5.1 Implementation of Regional	Gives legal effect to the vision, strategy, policies, outcomes and actions in the	The Planning Proposal is consistent with

Strategies	Lower Hunter Regional Strategy.	the Direction.
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Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

8. Impact on threatened species

There is no native vegetation or potential habitat on the site. There is no likelihood of adverse impact on threatened species, populations, ecological communities or critical habitat as a result of this Planning Proposal.

9. Environmental Impact

The Planning Proposal is not located on land that is affected by environmental hazards such as flooding, bushfire or land slip.

A traffic and transport assessment has been undertaken for the proposed redevelopment of the site. It is considered that there would be minimal additional traffic generated by the increase in commercial zoning in this area.

Noise generating activities that are likely within the commercial zone have the potential to negatively impact on the neighbouring residential areas. Assessment and mitigation measures will be further considered with any future development application.

10. Social and Economic Impacts

It is expected that the Planning Proposal will have minimal social impacts. A dwelling located on Lot A DP 159179 (189 New England Highway, East Maitland) is not owned by the proponent of the motor vehicle sales activity. Whilst dwellings are prohibited in Zone 3(c) Special Business, the occupation of the dwelling can continue under existing use entitlements.

The Planning Proposal will possibly result in a minimal increase in employment opportunities. The consistent zoning across the site will enable better development design, access and minimise traffic impacts on surrounding residential areas by providing adequate off street parking.

Section D – STATE and COMMONWEALTH INTERESTS

11. Adequate Public Infrastructure

The Planning Proposal will not generate significant demand for additional public infrastructure. It is considered that there is either adequate capacity within existing infrastructure, or reasonable increases in capacity can be provided when new development occurs.

12. Consultation with State and Commonwealth Authorities

No State or Commonwealth authorities have been consulted with regard to this Planning Proposal. It is not proposed to consult with any authorities due to the minor nature of this proposal.

PART 4: COMMUNITY CONSULTATION

In accordance with cl. 57(2) of the Environmental Planning and Assessment Act 1979, this planning proposal must be approved prior to community consultation is undertaken by the local authority. It is considered that this Planning Proposal would be classified as having low impact and a 14 day exhibition period is recommended.

In accordance with Council's adopted *Community Engagement Strategy (March 2009)*, consultation on the proposed rezoning will be to inform and received limited feedback from interested stakeholders. To engage the local community the following will be undertaken:

- Notice in the local newspaper;
- Exhibition material and relevant consultation documents to be made available at the Central Maitland and East Maitland Branch Library and Council's Administration Building;
- Consultation documents to be made available on Council's website; and
- Letters, advising of the proposed rezoning and how to submit comments will be sent to adjoining landowners and other stakeholders that Council deem relevant to this rezoning proposal.

At the close of the consultation process, Council officers will consider all submissions received and present a report to Council for their endorsement of the proposed rezoning before proceed to finalisation of the amendment.

The consultation process, as outline above does not prevent any additional consultation measures that may be determined appropriate as part of the 'Gateway' determination process.

Appendix ONE

Location Maps



Map 1 – Location map showing aerial photograph



Map 2:- Location map showing current zoning in Maitland LEP 1993

Appendix TWO

Proposed Zoning Map



3(c)

3(c) Special Business



SCALE 1 : 4 000
LOCALITY: EAST MAITLAND

PARISH: MAITLAND
COUNTY OF: NORTHUMBERLAND

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ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
MAITLAND
LOCAL ENVIRONMENTAL PLAN 1993
DRAFT (AMENDMENT No:)

DRAWN BY: D MURRAY	DATE: 03.03.10	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS MAITLAND L.E.P. 1993
SUPERVISING DRAFTSPERSON:		
PLANNING OFFICER: M GIBSON	DATE: 03.03.10	
COUNCIL FILE No: RZ06004		
DEPT FILE No:		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS AS AMENDED
CERTIFICATE PLAN NUMBER:		
CERTIFICATE ISSUED UNDER SEC 65 E.P.A. ACT 1979	DATE:	
PUBLISHED IN GOVERNMENT GAZETTE OF	No:	
		GENERAL MANAGER DATE

Appendix THREE

Council Report and Resolution

**10.4 AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN 1993 -
PLANNING PROPOSAL FOR MAITLAND NISSAN, NEW ENGLAND
HIGHWAY EAST MAITLAND**

File No: RZ06004
Attachments: 1. Planning Proposal
Responsible Officer: Leanne Harris - Group Manager Service Planning and Regulation
Author: Monica Gibson - Manager City Strategy

EXECUTIVE SUMMARY

A planning proposal has been prepared with the objective to permit the development of land fronting the New England Highway at East Maitland for a range of activities that support the needs of the travelling public. The proposal will also permit the Maitland Nissan business activity (motor vehicle sales) to re-develop in its current location without having to rely on existing use entitlements and split land use zones.

The planning proposal has been prepared in response to a request from Bradtrust Pty Limited, owners of the subject land. The request was first made in 2006, and Council resolve to prepare an amendment to the Maitland Local Environmental Plan 1993 on 8 August 2006. However, as the resolution was linked to a series of minor amendments which have subsequently been gazetted and completed, it has been advised by the Department of Planning that a fresh resolution of Council to re-commence the proposal is necessary.

It is proposed to rezone certain land from a residential to a business zone and to amend the Maitland Local Environmental Plan 1993. The rezoning is consistent with Council's adopted Activity Centres and Employment Clusters Strategy, Maitland Urban Settlement Strategy, the endorsed Draft Maitland Local Environmental Plan 2011 and the character of the New England Highway corridor through East Maitland.

OFFICER'S RECOMMENDATION**THAT**

- 1. In accordance with Section 55 of the Environmental Planning and Assessment Act 1979, a planning proposal be submitted to the Department of Planning to amend the Maitland Local Environmental Plan 1993 for the purpose of a special business, or equivalent zone, at the Maitland Nissan site, New England Highway East Maitland.**
 - 2. If the planning proposal is given a gateway determination to proceed, consultation with the community in accordance with Section 57 of the Environmental Planning and Assessment Act 1979 and the directions of the gateway determination, be undertaken.**
 - 3. A further report be presented to Council following the public consultation process.**
-

COUNCIL RESOLUTION**THAT**

1. In accordance with Section 55 of the Environmental Planning and Assessment Act 1979, a planning proposal be submitted to the Department of Planning to amend the Maitland Local Environmental Plan 1993 for the purpose of a special business, or equivalent zone, at the Maitland Nissan site, New England Highway East Maitland.
2. If the planning proposal is given a gateway determination to proceed, consultation with the community in accordance with Section 57 of the Environmental Planning and Assessment Act 1979 and the directions of the gateway determination, be undertaken.
3. A further report be presented to Council following the public consultation process.

Moved Cllr Fairweather, Seconded Cllr Humphery

CARRIED

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

The division resulted in 12 for and 0 against, as follows:

For:	Cllr Baker	Against:
	Cllr Blackmore	
	Cllr Fairweather	
	Cllr Garnham	
	Cllr Geoghegan	
	Cllr Humphery	
	Cllr Meskauskas	
	Cllr Mudd	
	Cllr Penfold	
	Cllr Procter	
	Cllr Tierney	
	Cllr Wethered	

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PLANNING PROPOSAL FOR MAITLAND NISSAN, NEW ENGLAND
HIGHWAY EAST MAITLAND**

File No: RZ06004
Attachments: 1. Planning Proposal
Responsible Officer: Leanne Harris - Group Manager Service Planning and Regulation
Author: Monica Gibson - Manager City Strategy

EXECUTIVE SUMMARY

A planning proposal has been prepared with the objective to permit the development of land fronting the New England Highway at East Maitland for a range of activities that support the needs of the travelling public. The proposal will also permit the Maitland Nissan business activity (motor vehicle sales) to re-develop in its current location without having to rely on existing use entitlements and split land use zones.

The planning proposal has been prepared in response to a request from Bradtrust Pty Limited, owners of the subject land. The request was first made in 2006, and Council resolve to prepare an amendment to the Maitland Local Environmental Plan 1993 on 8 August 2006. However, as the resolution was linked to a series of minor amendments which have subsequently been gazetted and completed, it has been advised by the Department of Planning that a fresh resolution of Council to re-commence the proposal is necessary.

It is proposed to rezone certain land from a residential to a business zone and to amend the Maitland Local Environmental Plan 1993. The rezoning is consistent with Council's adopted Activity Centres and Employment Clusters Strategy, Maitland Urban Settlement Strategy, the endorsed Draft Maitland Local Environmental Plan 2011 and the character of the New England Highway corridor through East Maitland.

OFFICER'S RECOMMENDATION**THAT**

- 1. In accordance with Section 55 of the Environmental Planning and Assessment Act 1979, a planning proposal be submitted to the Department of Planning to amend the Maitland Local Environmental Plan 1993 for the purpose of a special business, or equivalent zone, at the Maitland Nissan site, New England Highway East Maitland.**
 - 2. If the planning proposal is given a gateway determination to proceed, consultation with the community in accordance with Section 57 of the Environmental Planning and Assessment Act 1979 and the directions of the gateway determination, be undertaken.**
 - 3. A further report be presented to Council following the public consultation process.**
-

AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN 1993 - PLANNING PROPOSAL FOR
MAITLAND NISSAN, NEW ENGLAND HIGHWAY EAST MAITLAND (Cont.)

REPORT

The purpose of this report is to provide information to enable the Council to determine whether an amendment should be made to the Maitland Local Environmental Plan 1993 for the purpose of rezoning land for commercial uses.

Background

Council has considered a number of reports since 2006 for an amendment to the Maitland Local Environmental Plan 1993 to clarify the planning provisions applying to the Maitland Nissan site at 173 – 193 New England Highway East Maitland. The land is partly zoned 2(a) Residential and 3(c) Special Business and the existing motor vehicle sales activity is operating with existing use rights.

On 8 August 2006, Council resolved to prepare an amendment to the Maitland LEP 1993 to rezone certain land from 2(a) Residential to 3(c) Special Business to support the ongoing operation of Maitland Nissan in its current location (Housekeeping LEP). The Department of Planning was notified of Council's decision and responded that the amendment was not supported to proceed with other minor LEP amendments matters. However, the Department noted that the site had merit and a rezoning should be considered in context with the Maitland Centres Strategy, which was to be prepared.

This advice was reported to Council, and the matter placed on hold until 13 October 2009 when a further report was presented to Council to explain how the Maitland Nissan site was compatible with the objectives of the Maitland Activity Centres and Employment Clusters Strategy. Council resolved to re-submit the request to amend the Maitland LEP 1993 to the Department of Planning.

In January 2010, advice was received from the Legal Services branch of the Department of Planning that the August 2006 resolution of Council to prepare an LEP amendment was no longer valid, and that a fresh resolution would be required if Council wished to proceed with an amendment to the Maitland LEP 1993.

Rezoning proposal

Maitland Nissan operates a motor vehicle sales activity from land fronting the New England Highway at East Maitland. The land is partly zoned 2(a) Residential. Motor vehicle sales are prohibited in Zone 2(a) Residential of the Maitland Local Environmental Plan 1993. Existing use entitlements enable the activity to continue on the 2(a) land. Part of the site is zoned 3(c) Special Business in the Maitland LEP 1993. Bulky goods development, including motor vehicle sales is permissible with consent in the 3(c) zone.

The proposal put forward by the owner of Maitland Nissan (Bradtrust Pty Ltd) is that the whole site should be in one zone, where motor vehicle sales are permissible. This would clarify the planning rules applying to the site.

It is therefore proposed to rezone certain land. The following table and the locality plan identify the land to be affected.

 AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN 1993 - PLANNING PROPOSAL FOR
 MAITLAND NISSAN, NEW ENGLAND HIGHWAY EAST MAITLAND (Cont.)

Table 1: Proposed zoning changes

Land description	Current zoning	Proposed zoning
Lot 4 DP 32654	Zone 2(a) Residential	Zone 3(c) Special Business
Lot 20 DP 32654		
Lot 1 DP 155277		
Lot A DP 159179		
Part of Lot 1 DP 1035515		
TOTAL area: approx. 3,500 m²		

The objective of Zone 3(c) Special Business is to promote tourism and to provide for services for the travelling public. In addition to bulky goods development, other uses permissible in this zone include tourist accommodation, business premises, convenience stores, passenger transport terminals, recreation facilities, refreshment rooms, service stations and infrastructure facilities.

All land, except Lot A DP 159179 is owned by Bradtrust Pty Ltd. A single residential dwelling is present on Lot A. Whilst dwellings are prohibited in Zone 3(c), the occupation of the dwelling can continue under existing use entitlements. A better planning scheme will occur if all land in this site is zoned consistently.

The location of the site and the character of the surrounding area is consistent with a corridor of business activity. The Maitland Activity Centres and Employment Clusters Strategy and the Maitland Urban Settlement Strategy both support the role of an enterprise corridor fronting the New England Highway in East Maitland. The rezoning proposal is consistent with the vision and intent of Council's strategies.

A Planning Proposal is attached to this report. This document outlines the objectives of the LEP amendment and the justification for the proposed rezoning.

The endorsed Draft Maitland LEP 2011 identifies the Maitland Nissan site in Zone B6 Enterprise Corridor.

Next steps

If endorsed by Council, the planning proposal will be submitted to the Department of Planning for gateway approval to proceed with the amendment to the Maitland LEP 1993. The gateway determination will either be (i) exhibit the planning proposal, with or without change, or (ii) to refuse the planning proposal. A positive gateway determination will also make directions about the consultation required for the LEP and a timeframe by which the LEP is to be completed.

The planning proposal will then be exhibited in accordance with the directions of the gateway determination and the requirements of Section 57 of the Environmental

AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN 1993 - PLANNING PROPOSAL FOR MAITLAND NISSAN, NEW ENGLAND HIGHWAY EAST MAITLAND (Cont.)

Planning and Assessment Act 1979. Formal submissions to the planning proposal will be invited and accepted during the exhibition period.

A further report that considers the submissions and any proposed changes to the planning proposal will then be presented to Council.

CONCLUSION

Council has previously supported an LEP amendment for proposed rezoning, however a fresh resolution is required due to a legal issue arising from the timing of Council's decisions.

The rezoning of land for the Maitland Nissan site will ensure that the sale of motor vehicles is a permissible use, reflecting activities that have been occurring for more than 45 years. Commercial uses on the site are consistent with Council's adopted strategies and the existing character of the area.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

The process for preparing and considering amendments to LEPs is outlined in Part 3, Division 4 of the Environmental Planning and Assessment Act 1979. This report recommends a course of action that is in accordance with this Act.

There are no statutory implications under the Local Government Act 1993 with this matter.