

Variation to PLANNING PROPOSAL

Amendment to the Maitland LEP 1993

CHISHOLM LOCAL CENTRE

(Lot 122, DP 1108020)

Prepared by:
City Strategy, Maitland City Council.

Date: 21 October 2009
Revision Date: 27 April 2010



CONTENTS

PART 1: Objectives

PART 2: Provisions to be included in the EPI

PART 3: Justification for Proposed Rezoning

Section A: Need for proposal

Section B: Policy Context

Section C: Potential Environmental, Social and Economic impact

Section D: Other Government Interests

PART 4: Community Consultation

APPENDIX 1: Location Map

APPENDIX 2: Proposed Zoning Map

APPENDIX 3: Council Report and Minutes – 24 November 2009

APPENDIX 4: Gateway Determination Notice – 22 January 2010

APPENDIX 5: Consultation: Submissions Received

APPENDIX 6: Council Report and Minutes – 11 May 2010

APPENDIX 7: Relevant Extracts from the Thornton North Structure Plan; Thornton North Area Plan; and Activity Centres and Employment Clusters Strategy

Figures and Tables

Figure One: Location of proposed centre in relation to the wider release area.

Table One: Relevant State Environmental Planning Policies

Table Two: Relevant s.117 Ministerial Directions

PART 1: OBJECTIVES and BACKGROUND

In accordance with cl. 55 of the Environmental Planning and Assessment Act 1979, the planning proposal was prepared to allow for the rezoning of land within the Thornton North urban release area to create a new local centre to support the growing residential population in this area of the Maitland LGA.

The Department of Planning determined the planning proposal through the gateway process and approved it for consultation as notified by letter dated 22 January 2010. The gateway determination noted that the planning proposal submitted was in a form that was suitable for community consultation and that it specifically required Council:

- to publicly exhibit the planning proposal for a period of 14 days;
- that no consultation was required with State or Commonwealth public authorities; and
- that the amending LEP be finalised within 6 months of the date of the determination.

Consultation on the draft amendment was conducted for 14 days, as required by the gateway determination and was held from Monday 8 March to Monday 22 March 2010.

In consideration of the issues identified and the desired outcome for this local activity centre, it is proposed that the planning proposal be varied prior to its finalisation (see Appendix 5: Council Report-11.05.2010). Therefore, in compliance with s.58 of the EP&A Act 1979, this planning proposal has been revised and is being resubmitted to the Department of Planning for approval and continuation through the gateway process in accordance with DoP guidelines for preparing LEPs.

The purpose of this planning proposal **has not been altered and it remains the intent to enable the rezoning of land within the Thornton North urban release area to 3(a) General Business under the Maitland LEP 1993**. It also signals Council's long-term intent in regards to zoning decisions relating to this centre when Council finalises the preparation of the Maitland LEP 2011. This amendment will facilitate the development of a new local centre to support the significant residential growth in the area and support the strategic approach of Council to accommodating population growth within the LGA.

The **Thornton North Structure Plan** was adopted by Council in December 2003 and subsequently endorsed by the Dept of Planning. The preparation of the structure plan considered the impact of increased population to determine the need for additional community services and identified a range of facilities needed to support residential development, including a small group of shops and professional consulting rooms. The need for a new centre to support significant residential development was also identified as a key part of the vision guiding the future development of the Thornton North urban release area.

The **Thornton North Area Plan** was prepared and adopted by Council in February 2008. This document provides detailed development controls which implement the principles and policies outlined in the Structure Plan. Within the Thornton North Area Plan, the provision of a future centre is identified as a 'Key Development Site' within the Waterford County Precinct.

The provision of a local centre in this location will provide a range of convenience retail activities to cater for the 'everyday' needs to support the new residential community of Thornton North. It also proposes to accommodate a variety of retail and commercial uses, some live/work units, associated 'at-grade' car parking, landscaping and servicing such as roads and loading areas and provide a place for the new residents to forge a strong identity with and be a focal point for community activities.

PART 2: PROVISIONS to be included in EPI

The objectives of the proposed amendment will be achieved through an alteration to the zoning map and minor addition to the wording of cl. 5(1) of the Maitland LEP 1993. This planning proposal applies to a 2.5ha area of land on Lot 122, DP 1108020 within the urban release area of Thornton North.

Therefore, the Maitland Local Environmental Plan 1993 is proposed to be amended in the following manner:

- The definition of *“The map”* in clause 5(1) include *‘Maitland Local Environmental Plan 1993 (Amendment X) – Chisholm Local Centre’*; and
- Clause 22 be amended to include a specific provision relating only to the area zoned 3(a) General Business within the Chisholm Local Centre. This provision will provide for a maximum Floor Space Ratio of 0.5:1 to apply.

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 for the creation of a new local centre at Chisholm was identified as a key part of the Thornton North Structure Plan (December 2003) due to the range of community services and facilities required to support the new residential community within the urban release area.

The need for a new local centre reinforced through the adoption of the Thornton North Area Plan (February 2008) and identification as a key development site within the Waterford County Precinct Plan. Appendix 5 provides the relevant extracts from the Thornton North Structure Plan and the Thornton North Area Plan.

2. Planning Proposal as best way to achieve the objectives

It is considered that an amendment to the Maitland LEP 1993 through the gateway process and preparation of this planning proposal is the most effective and timely method to achieve the vision of the Thornton North Structure Plan and the desired future outcomes for the urban release area. The provision of a local centre within the Thornton North urban release area supports Council's policy to ensure that adequate infrastructure is delivered in parallel with residential development continues to implement the aims and outcomes of the Thornton North Structure Plan and ensures the development of a sustainable community.

This amendment will enable the rezoning of land within the Thornton North urban release area to 3(a) General Business under the Maitland LEP 1993. Although Council is currently preparing the Maitland LEP 2011, rezoning of this land continues the progression of the Thornton North urban release area and builds on the substantial work and rezoning that has taken place in the release area.

The preparation of Council's new LEP within the standard template format is progressing along a 2011 completion timetable, as agreed with the Department. The Department has also endorsed the 'Maitland Urban Settlement Strategy 2001-2021 (2008 edition)' (*letter dated 07 September 2009*) and with the adoption of this document by Council, a land release program was approved which outlined the logical progression and sequencing of land release within the Maitland LGA.

This program identifies the Thornton North area as one of five urban release areas to be completed prior to the gazetted of the Maitland LEP 2011 and the creation of the Chisholm Local Centre in this area is critical to achieving a sustainable approach to the new residential community of Thornton North.

3. Net Community Benefit

Council envisages that this planning proposal will result in a net community benefit. In consideration of the net community benefit criteria as set out in the NSW Department of Planning's '*draft Centres Policy - Planning for Retail and Commercial Development*'.

The Thornton North urban release area is one of the 'Major Priority Release Areas' as identified in the Lower Hunter Regional Strategy and is also identified as an urban release area within Council's endorsed Maitland Urban Settlement Strategy. The creation of a new local centre to support this residential growth is critical in achieving a sustainable outcome and is therefore, consistent with the outcomes of both the regional and local strategies

The subject site has been identified for the purpose of a new local centre since the adoption of the Thornton North Area Plan in 2006. Since this time, Council have been actively progressing the rezoning of land within the urban release area through a staged approach. This ensures that the infrastructure can be delivered in parallel with the increase in residential development. Specific to this planning proposal the necessary infrastructure to support the development of the Chisholm Local Centre is in place.

This planning proposal provides increased opportunities for employment generating activities in the area. The inclusion of the live/work units on the fringe of the local centre also contributes to the diversity of job types that may be created with the development of this new centre. This new centre proposal is to support the significant residential development within the Thornton North area, therefore the inclusion of smaller, flexible housing types on the fringe of the centre provide a greater variety in the size and housing type for future residents.

The creation of a local centre within this release area was identified through the preparation and adoption of the area plan. Therefore, the location of the local centre has been decided in the context of the overall release area and how it can be developed as a community focal point in the Thornton North area. Figure 1 provides the location of the proposed local centre in the broader context of the Thornton North Urban Release Area.

The creation of the Chisholm Local Centre provides more opportunities for choice and competition for residents within the eastern sector of the Maitland LGA, as well as facilitating new entrants into the market. The proposal includes the provision of live/work units on the fringe of the local centre which offers a variety of services and employment opportunities. This mix of uses and activity creates a more vibrant and diverse centre that people want to connect with.

The public interest reasons for preparing this draft planning include:

- Creation of a new local centre to support the growing residential population within this area of the Maitland LGA;
- Proposed size and scale of the local centre supports its identified role and function within Council's draft centres hierarchy and is expected to work in combination with the higher order centre at Thornton; and
- To foster a sense of community and strong local identity and a sense of place in neighbourhoods.

The implications of not proceeding are that:

- The desired future outcomes of Council's strategic plan for this area will not be achieved;
- Undue pressure will be placed on the existing town centre at Thornton to support the increasing needs of existing and future residents of this part of the Maitland LGA;
- There will be no opportunities for any reduction in car generating trips made for convenience items, such as bread and milk; and
- It will be a lost opportunity to create a sense of community for new residents to Thornton North and provide a place that they can create a strong identity with.



Figure 1: Location of proposed centre in relation to the wider release area.

(Source: Urbis 2009 – Rezoning Submission)

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

4. Consistency with Objectives and Actions within Regional Strategies

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

The Thornton North Investigation Area has been identified in the Lower Hunter Regional Strategy (LHRS) as a regionally significant urban release area. The residential growth target for this release area is up to 7000 dwellings.

To ensure the sustainable development of this area and provide adequate services and facilities to support the new residents of Thornton North, the rezoning and future development of the Chisholm Local Centre is critical. This planning proposal for a new local centre supports the neighbourhood planning principles of the LHRS, in particular that local planning ensure *“easy access to major town centres with a full range of shops, recreational facilities and services along with smaller village centres and neighbourhood shops”* (2006:26)

Draft Centres Policy (NSW Dept of Planning) – April 2009

The *‘Draft Centres Policy – Planning for Retail and commercial Development’* sets out the Department’s desired approach to the development of centres with a particular focus on retail and commercial development. The aim of this policy is to *“create a network of vital and vibrant centres that cater for the needs of business, and are places where individuals and families want to live work and shop”* (DoP 2009: ii).

Of particular relevant is the principle which states that the growth of centres and the creation of new centres are to be supported by a flexible planning system, which should regulate the location and scale of development. This planning proposal is facilitating the creation of a new centre, which is of a scale to support Council’s centres hierarchy and is catering to the needs of the growing residential population in this area of the Maitland LGA.

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. In regards 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 Thornton North Investigation Area is one of the priority urban release areas in the Maitland LGA. One of the key policies of the Maitland Urban Settlement Strategy (MUSS) 2008 is to *“provide suitable commercial sites and employment land in strategic areas”* (2008: 54).

This planning proposal offers the opportunity to provide a mix of commercial, community and residential uses in a suitable location to support growth in the Thornton North area. The provision of the proposed Chisholm local centre is not expected to significantly affect the vitality of the existing Thornton Town Centre, as the scale, role and function of each is different.

Thornton North Structure Plan (Maitland City Council) – December 2003

The Thornton North Structure Plan was adopted by Council in December 2003 and subsequently endorsed by the Dept of Planning. The structure plan provides a clear vision for the creation of a new residential neighbourhood and states that *“Thornton North is envisaged as a local community in harmony with its rural*

surrounds; a place with its own identity that is attractive to be in, and from surrounding areas" (p.12)

This vision also outlines the need for a new centre to support the significant residential development. This states that "at the core will be a new local centre with local shops, a primary school and perhaps a community centre. Linking the site to this centre will be a wide avenue lined with trees, forming a memorable feature and allowing extensive views to the rural surrounds" (pg 12).

The general principles to guide future development in Thornton North, and relevant to this planning proposal includes:

- integrate sustainable development principles into all planning and development;
- plan for a village-sized settlement with a centre that residents can access by cycling, walking and public transport; and
- plan for future land use change.

The preparation of the structure plan considered the impact of increased population to determine the need for additional community services and identified a range of facilities needed to support residential development, including a small group of shops and professional consulting rooms.

To implement this, the structure plan identified as a key feature the creation of a Central Village. It is envisaged that the local centre will "consist of a small group of local shops and possibly a community centre with a pre-school / child care centre [and that it] has been centrally located along the main entrance avenue to encourage viability, vitality and close proximity to the majority of residents"

Thornton North Area Plan (Maitland City Council) - February 2008

The Thornton North Area Plan was prepared and adopted by Council in February 2006. This document provides detailed development controls which implement the principles and policies outlined in the Structure Plan. Relevant to this planning proposal, the adopted plan outlines the following desired future outcomes:

- To provide walkable neighbourhoods with convenient access to employment, retail premises, community facilities and other services, with less dependence on cars for travel;
- To foster a sense of community and strong local identity and a sense of place in neighbourhoods; and
- To facilitate an appropriate mixed use development that is compatible with residential amenity, capable of adapting over time as the community changes, and which reflects community standards of health, safety and amenity.

Within the Thornton North Area Plan, the provision of a future centre is identified as a 'Key Development Site' within the Waterford County Precinct (Appendix 5). The objectives for this site are to:

- Incorporate a future village centre that provides a range of shopping and community support facilities and activities commensurate with its role in a hierarchy of centres across the Maitland LGA;
- Create a transport hub at the Village Centre, by providing good connectivity to the centre for pedestrians, cyclists and public transport ; and
- Create a critical mass of residential dwellings close to or within the centre to provide out of hours activity.

The planning proposal is consistency with the vision and principles of the Thornton North Structure Plan and

the objectives and development controls of the Thornton North Area Plan and specific precinct plan. This new local centre will provide a mix of services and facilities in close proximity to the residential population and will be a community focal point for new residents to form a strong identity with.

Maitland Centres Strategy

At the time of preparing this planning proposal, Council was revising the draft Maitland Centres Strategy in response to the submissions received during the consultation process. As a result of the revision and re-exhibition, the **Activity Centres and Employment Clusters Strategy** was adopted January 2010, providing a framework to guide the future growth and prosperity of Maitland's centres and employment lands for the next 20 years.

The strategy aims to create high quality places, strengthen existing activity centres and employment clusters and cater for growth of centres and clusters to provide a range of facilities, services and activities to serve the needs of the Maitland community. It is based on a network and hierarchy framework which supports the key objectives of the Department of Planning's state-wide draft centres strategy and the Lower Hunter Regional Centre.

The strategy also provides a clear definition as to the vision, role and function of activity centres and the definition of a network (the spatial pattern of provision) and hierarchy (the role and relationship) ensure growth considers the overall network and how they interrelate. The adopted strategy did not alter the role and function of the new local centre proposed for Chisholm from the original document. However, it does state an unambiguous vision for the Chisholm Local Centre as being:

"Located within one of Maitland's newest residential neighbourhoods', the provision of a local centre at Chisholm is critical to the creation of a more sustainable community. The Chisholm Local Centre will provide for the convenience needs of the surrounding residents and rural areas in the north-east of the LGA.

The central location will enhance accessibility with connections to public transport, provision of an adequate road network supported by safe, pleasant pedestrian and cycleway links. Creating a place that residents can connect with and form a strong identity with is essential to ensuring Chisholm grows into a viable local centre supporting a vibrant new community".

Therefore, the rezoning of land to accommodate a new local centre is consistent with Council's and the Department's strategic approach to new centres.

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.

SEPP	Relevance	Consistency and Implications
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 No. 64 - Advertising and Signage	Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	Any future planning application for the Chisholm Local Centre will need to demonstrate compliance with the standards of this SEPP.

SEPP No. 55 - Remediation of Land	Provides state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.	This site was rezoned to Residential 2(a) as a part of Amendment 86 to the Maitland LEP 1993, therefore the land use proposed is suitable on this site.
SEPP No. 22 - Shops and Commercial Premises	Permits a change of use from one kind of shop to another or one kind of commercial premises to another, within a business zone, even if the change of use is prohibited under an EPI. Development consent must be obtained and the consent authority satisfied that the change of use will have no, or only minor, environmental effect	Nothing in this planning proposal affects with the aims and provisions of this SEPP.
SEPP No. 1 - Development Standards	It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary	Nothing in this planning proposal affects with the aims and provisions of this SEPP.

Table One: Relevant State Environmental Planning Policies

7. Consistency with applicable s.117 Ministerial Directions

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

Ministerial Direction	Aim of the Direction	Consistency and Implications
EMPLOYMENT and RESOURCES		
1.1 Business and Industrial Zones	Encourage employment growth, protect employment land in business zones and support the viability of identified strategic centres.	This planning proposal aims to create a new local centre, identified in the Thornton North Area Plan. This proposal will increase commercial and retail floorspace to support the growing residential population in this area of the Maitland LGA and being a lower order centre; will support the function and role of the existing town centre in Thornton.
1.2 Rural Zones	Planning proposal not affected by this direction	
1.3 Mining, Petroleum Production and Extractive Industries	Planning proposal not affected by this direction	
1.5 Rural Lands	Planning proposal not affected by this direction	
ENVIRONMENT and HERITAGE		
2.1 Environment Protection Zones	Planning proposal not affected by this direction	
2.3 Heritage Protection	Planning proposal not affected by this direction	
2.4 Recreation Vehicle Areas	Planning proposal not affected by this direction	

HOUSING, INFRASTRUCTURE and URBAN DEVELOPMENT		
3.1 Residential Zones	Encourage a variety and choice of housing, minimise the impact of residential development on the environment and resource lands and make efficient use of infrastructure and services.	The proposed rezoning is from 2(a) Residential to 3(b) General Business. However, this planning proposal aims to support the growing residential population in this area of the Maitland LGA and the potential loss of land for residential development is negligible within the context of the residential land within the Thornton North urban release area.
3.2 Caravan Parks and Manufactured Home Estates	Planning proposal not affected by this direction	
3.3 Home Occupations	Encourage the carrying out of low impact small businesses in dwelling houses.	Planning proposal aims to encourage this type of activity with the location of live/work units located on the fringe of the local centre.
3.4 Integrating Land Use and Transport	Direction aims requires consistency with the objectives relating to the location of urban land and its proximity to public transport infrastructure, road networks and to improve access to housing, jobs and services by methods other than private vehicles.	The land is well located to support the surrounding residential development and to provide high levels of accessibility to existing road and public transport networks.
HAZARD and RISK		
4.1 Acid Sulphate Soils	Direction aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.	The location of the planning proposal is not affected by Acid Sulphate Soils
4.2 Mine Subsidence and Unstable Land	Planning proposal not affected by this direction	
4.3 Flood Prone Land	Directions aims to reduce the risk of flood and to ensure that the development of flood prone land is consistent with NSW Flood Prone land policy.	The location of the planning proposal is not within an area of the LGA identified as being affected by flooding.
4.4 Planning for Bushfire Protection	Planning proposal not affected by this direction	
REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	Direction requires a draft amendment to be consistent with relevant state strategies that apply to the LGA	As outlined above, this planning proposal is consistent with the vision and objectives of the Lower Hunter Regional Strategy and the DoP draft Centres Policy.

LOCAL PLAN MAKING		
6.1 Approval and Referral	Direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development	Planning proposal does not affect the objectives of this direction and will be consistent with this requirement.
6.2 Reserving Land for Public Purpose	Direction prevents a draft LEP from altering available land for public use.	A public use of land is not proposed and this planning proposal does not affect any reservation of public land.
6.3 Site Specific Provisions	Direction aims to discourage unnecessarily restrictive site specific planning controls.	It is proposed that this land be rezoned from residential zone to a General Business 3(a) zone under the Maitland LEP 1993. The objectives, permissible activities and associated development controls currently in place will applied to this land once rezoned.

Table Two: Relevant s.117 Ministerial Directions

Section C – ENVIRONMENTAL, SOCIAL and ECONOMIC IMPACT

8 & 9. Environmental Impact (existing and as a result of the proposal)

The subject site was rezoned to 2(a) Residential as part of Amendment 86 to the Maitland LEP 1993. As such, all planning and environmental matters were investigated and addressed as part that amendment. After assessment of the applicants rezoning submission, Council has concluded that there will no additional environment impacts as a result of this proposal. Therefore it is considered that there is no impediment to the progression of this amendment to the Maitland LEP 1993.

10. Social and Economic Impacts

The planning proposal will achieve positive social and economic outcomes for the residents of Thornton North, but also in the wider context of the local economy. This planning proposal provides for the development of a new centre in a suitable location which provides a range of commercial activities and therefore a number of new employment opportunities. The proposal for live/work units on the fringe of the centre provides opportunities for small start-up businesses to locate in the centre, which will have high levels of accessibility.

Council considers social and economic benefits as a result of this planning proposal to be:

- The provision of range of shopping and community facilities to support a growing residential population and that the scale of activities area proportionate with its role in a hierarchy of centres across the Maitland LGA;
- An increase in the provision of more convenience retail activities increases the choice and competition in the area for residents and allows new players to enter into the market;
- The creation of a well-deigned and well-connected local centre provides a focal point for residents to meet and a place that they can forge a strong identity with. This provides an attractive point of difference to other residential land releases;

- The provision of good connectivity to the centre for pedestrians, cyclists and public transport ; and
- The provision of residential dwellings close to or within the centre and the significant residential development in the immediate area, coupled with the provide facilities, such as restaurant and cafes provide out of hours activity and a more vibrant centre.

Section D – STATE and COMMONWEALTH INTERESTS

11. Adequate Public Infrastructure

The provision of public infrastructure has been considered with Amendment 86 to the Maitland LEP 1993 which rezoned this portion of the release area from a rural to residential zone. Therefore, this planning proposal is not considered likely to place additional demands on the public infrastructure and the infrastructure needs required by this type of development would be met by the existing infrastructure that is in place and any additions to be conditioned as part of the development application.

12. Consultation with State and Commonwealth Authorities

Relevant State and Commonwealth departments and agencies have been previously consulted during the preparation of the Thornton North Structure Plan. Comments received at that time were considered through that process, which identified the potential rezoning of this site for a future local centre.

Therefore, Council will not specifically be seeking any comments from State or Commonwealth Authorities in regard to this planning 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.

As per the Gateway Determination notice (22.0.2010), consultation on the draft amendment was conducted for 14 days, as required by the gateway determination and was held from Monday 8 March to Monday 22 March 2010. Notice of the exhibition period was providing in the local newspaper and on Council's website. In addition, adjoining property owners were notified via letter. R.O.I Pty Ltd, owners of Thornton Shopping Centre was notified as a significant interested had been previously expressed to Council in relation to the planning proposal for the Chisholm Local Centre.

The approved planning proposal and relevant supplementary information was made available electronically on Council's website and paper copies at the Thornton and Central Maitland Branch Libraries as well as Council's Administration building. One (1) submission was received during the consultation period and no enquires were received about the draft proposal.

At the close of the consultation process, Council officers considered the submissions received and recommended to Council that the planning proposal be varied to response to relevant issues. The variations aim to reinforce the role and scale of the Chisholm Local Centre, to facilitate the creation a new, vibrant activity centre to support the new residential community and proactively response to the issues raised during the consultation process.

Council is confident that the revised planning proposal has adequately met the community consultation requirements for the preparation of this draft amendment to the Maitland LEP 1993 and to ensure the timely progression of this planning proposal that no additional process of consultation is require. However, this does not prevent any additional consultation measures that may be determined appropriate as part of the revised 'Gateway' determination.

Appendix ONE

Location Map

LOCALITY PLAN



-  Chisholm - Proposed Rezoning for the Purpose of a Local Centre
-  Thornton North Urban Release Area
-  Zoning



Scale 1 : 30 000
Printing Date: May 2010


NORTH

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Appendix TWO

Proposed Zoning Map



3(a) 3(a) General Business



SCALE 1 : 20 000
LOCALITY: CHISHOLM

PARISH: ALNWICK
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: 18.05.10
SUPERVISING DRAFTSPERSON:	
PLANNING OFFICER: A McCABE	DATE: 18.11.09
COUNCIL FILE No: RZ09004	
DEPT FILE No:	
CERTIFICATE PLAN NUMBER:	
CERTIFICATE ISSUED UNDER SEC 65 E.P.A. ACT 1979	DATE:
PUBLISHED IN GOVERNMENT GAZETTE OF	No:

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

AMENDS MAITLAND L.E.P. 1993

CERTIFIED IN ACCORDANCE
WITH THE ENVIRONMENTAL
PLANNING & ASSESSMENT
ACT 1979, AND REGULATIONS
AS AMENDED

.....
GENERAL MANAGER **DATE**

Appendix THREE
Council Report and Resolution

24 November 2009

10 SERVICE PLANNING AND REGULATION REPORTS

10.1 AMENDMENT TO MAITLAND LEP 1993 - REZONING FOR CHISHOLM NEIGHBOURHOOD CENTRE

File No: RZ09004

Attachments:

1. Information sheet on Gateway Planning Proposals (DoP)
2. Locality Plan and Proposed Layout of Local Centre
3. Planning Proposal

Responsible Officer: Leanne Harris - Group Manager Service Planning and Regulation
Monica Gibson - Manager City Strategy

Author: April McCabe - Strategic Project Planner

EXECUTIVE SUMMARY

The Thornton North Structure Plan was adopted by Council in December 2003. The preparation of the structure plan considered the impact of increased population to determine the need for additional community services and identified a range of facilities needed to support residential development, including a small group of shops and professional consulting rooms. The need for a new centre to support significant residential development was also identified as a key part of the vision guiding the future development of the Thornton North urban release area.

The Thornton North Area Plan was prepared and adopted by Council in February 2008. This document provides detailed development controls which implement the principles and policies outlined in the Structure Plan. Within the Thornton North Area Plan, the provision of a future centre is identified as a 'Key Development Site' within the Waterford County Precinct.

The proposal currently before the Council will enable the rezoning of land within the Thornton North urban release area to 3(a) General Business under the Maitland LEP 1993. Although Council is currently preparing the Maitland LEP 2011, rezoning of this land continues the timely progression of the Thornton North urban release area and builds on the substantial work and rezoning that has taken place in the release area.

The provision of a local centre in this location will provide a range of convenience retail activities to cater for the 'everyday' needs to support the new residential community of Thornton North. It also proposes to accommodate a variety of retail and commercial uses, some live/work units, associated 'at-grade' car parking, landscaping and servicing such as roads and loading areas and provide a place for the new residents to forge a strong identity with and be a community focal point.

With the reforms to the NSW planning system, the 'gateway' process provides an early assessment of the viability of a proposed amendment to the LEP through the preparation of a planning proposal. The planning proposal outlines the objectives and justifications for making the amendment in line with state, regional and local strategies. Planning proposals also consider the relevant economic, social and environmental benefits and impacts of the development proposal to ensure a sustainable outcome for the community.

OFFICER'S RECOMMENDATION

THAT In accordance with section 55 of the *Environmental Planning and Assessment Act 1979*, Council submit a planning proposal to the Department of Planning to amend the Maitland LEP 1993 for the purpose of a new local centre within the Thornton North urban release area.

COUNCIL RESOLUTION

THAT In accordance with section 55 of the *Environmental Planning and Assessment Act 1979*, Council submit a planning proposal to the Department of Planning to amend the Maitland LEP 1993 for the purpose of a new local centre within the Thornton North urban release area.

Moved Clr Garnham, **Seconded** Clr Humphery

CARRIED

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

The division resulted in 13 for and 0 against, as follows:

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

10.1 AMENDMENT TO MAITLAND LEP 1993 - REZONING FOR CHISHOLM NEIGHBOURHOOD CENTRE**File No:** RZ09004**Attachments:**

1. Information sheet on Gateway Planning Proposals (DoP)
2. Locality Plan and Proposed Layout of Local Centre
3. Planning Proposal

Responsible Officer: Leanne Harris - Group Manager Service Planning and Regulation
Monica Gibson - Manager City Strategy**Author:** April McCabe - Strategic Project Planner

EXECUTIVE SUMMARY

The Thornton North Structure Plan was adopted by Council in December 2003. The preparation of the structure plan considered the impact of increased population to determine the need for additional community services and identified a range of facilities needed to support residential development, including a small group of shops and professional consulting rooms. The need for a new centre to support significant residential development was also identified as a key part of the vision guiding the future development of the Thornton North urban release area.

The Thornton North Area Plan was prepared and adopted by Council in February 2008. This document provides detailed development controls which implement the principles and policies outlined in the Structure Plan. Within the Thornton North Area Plan, the provision of a future centre is identified as a 'Key Development Site' within the Waterford County Precinct.

This amendment will enable the rezoning of land within the Thornton North urban release area to 3(a) General Business under the Maitland LEP 1993. Although Council is currently preparing the Maitland LEP 2011, rezoning of this land continues the timely progression of the Thornton North urban release area and builds on the substantial work and rezoning that has taken place in the release area.

The provision of a local centre in this location will provide a range of convenience retail activities to cater for the 'everyday' needs to support the new residential community of Thornton North. It also proposes to accommodate a variety of retail and commercial uses, some live/work units, associated 'at-grade' car parking, landscaping and servicing such as roads and loading areas and provide a place for the new residents to forge a strong identity with and be a community focal point.

With the reforms to the NSW planning system, the 'gateway' process provides an early assessment of the viability of a proposed amendment to the LEP through the preparation of a planning proposal. The planning proposal outlines the objectives and justifications for making the amendment in line with state, regional and local strategies. Planning proposals also consider the relevant economic, social and environmental benefits and impacts of the development proposal to ensure a sustainable outcome for the community.

OFFICER'S RECOMMENDATION

THAT: In accordance with section 55 of the *Environmental Planning and Assessment Act 1979*, Council submit a planning proposal to the Department of Planning to amend the Maitland LEP 1993 for the purpose of a new local centre within the Thornton North urban release area.

REPORT

The purpose of this report is:

- Provide information about the new 'Gateway' planning process for the making and amendment of LEPs;
- Provide a summary of the rezoning proposal received for the development of a new neighbourhood centre within the Thornton North urban release area for submission to the Department of Planning as an amendment to the Maitland LEP 1993; and
- Provide a summary of the background and policy context relevant to the inclusion of a new local centre within the Thornton North urban release area.

Background

The **Thornton North Structure Plan** was adopted by Council in December 2003 and subsequently endorsed by the Dept of Planning. The structure plan provides a clear vision for the creation of a new residential neighbourhood and states that "*Thornton North is envisaged as a local community in harmony with its rural surrounds; a place with its own identity that is attractive to be in, and from surrounding areas*" (p.12)

This vision also outlines the need for a new centre to support the significant residential development. This states that "*at the core will be a new local centre with local shops, a primary school and perhaps a community centre. Linking the site to this centre will be a wide avenue lined with trees, forming a memorable feature and allowing extensive views to the rural surrounds*" (pg 12)

The general principles to guide future development in Thornton North, and relevant to this planning proposal includes:

- integrate sustainable development principles into all planning and development;
- plan for a village-sized settlement with a centre that residents can access by cycling, walking and public transport; and
- plan for future land use change.

The preparation of the structure plan considered the impact of increased population to determine the need for additional community services and identified a range of facilities needed to support residential development, including a small group of shops and professional consulting rooms.

AMENDMENT TO MAITLAND LEP 1993 - REZONING FOR CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

To implement this, the structure plan identified as a key feature the creation of a Central Village. It is envisaged that the local centre will *“consist of a small group of local shops and possibly a community centre with a pre-school / child care centre [and that it] has been centrally located along the main entrance avenue to encourage viability, vitality and close proximity to the majority of residents”*

The **Thornton North Area Plan** was prepared and adopted by Council in February 2008. This document provides detailed development controls which implement the principles and policies outlined in the Structure Plan. Within the Thornton North Area Plan, the provision of a future centre is identified as a ‘Key Development Site’ within the Waterford County Precinct (pg. 24). The objectives for this site are to:

- Incorporate a future village centre that provides a range of shopping and community support facilities and activities commensurate with its role in a hierarchy of centres across the Maitland LGA;
- Create a transport hub at the Village Centre, by providing good connectivity to the centre for pedestrians, cyclists and public transport ; and
- Create a critical mass of residential dwellings close to or within the centre to provide out of hours activity.

The provision of a local centre in this location will provide a range of convenience retail activities to cater for the ‘everyday’ needs of the surrounding residential neighbourhood. The scale, role and function as local centre will support the higher order centre at Thornton and provide a place for the new residents of Thornton North to forge a strong identity with and be a community focal point.

Council have recently exhibited a **draft Maitland Centres Strategy**. In line with the principles of the Dept of Planning’s draft Centres Policy and the Lower Hunter Regional Strategy, the draft Maitland Centres Strategy presented a hierarchical framework to define the role and function of centres.

This strategy is currently being revised and will be re-exhibited before its finalisation. However, the role and function of the new local centre proposed for Chisholm has not been altered within the network and hierarchy of centres framework. Therefore, the rezoning of land to accommodate a new local centre is consistent with Council’s and Dept of Planning strategic approach.

Local Plan Making – Gateway Process

The NSW Government has changed the way in which Local Environmental Plans (LEPs) are prepared and such changes are part of the government’s planning system reforms. It is intended that these changes will streamline the process and that the timeframes for preparing, assessing and approving LEPs be reduced.

The first stage is called the gateway process and provides an early assessment of the viability of a planning proposal. It also ensures that other government departments and agencies provide input up front, improving the links between long-term strategic planning documents and individual planning proposals and providing clear justification for the proposal at an early stage.

AMENDMENT TO MAITLAND LEP 1993 - REZONING FOR CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

The gateway process commences with Council's preparing a planning proposal which is reviewed by the Department of Planning and the approval (with or without variations) to proceed can be obtained. The planning proposal must include:

- A statement of objectives;
- An explanation of the provisions of the proposal;
- A detailed justification as to the outcomes and implications of the planning proposal, supported by relevant mapping; and
- Details of the community consultation that is intended to be undertaken.

Attachment 1 contains information prepared by the NSW Department of Planning on the new Local Plan Making or 'Gateway' Planning process.

Rezoning Proposal

The planning proposal has been prepared to allow for the rezoning of land within the Thornton North urban release area to create a new local centre, which has previously been identified in the Thornton North Structure Plan and to support the growing residential population in this area of the Maitland LGA.

This amendment will enable the rezoning of land within the Thornton North urban release area to 3(a) General Business under the Maitland LEP 1993. Although Council is currently preparing the Maitland LEP 2011, rezoning of this land continues the timely progression of the Thornton North urban release area and builds on the substantial work and rezoning that has taken place in the release area.

Part 12 of the Maitland LEP 1993 outlines the statutory process for urban release areas. In particular, clause 53(c) aims *"to ensure that development on such land occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan including specific controls has been prepared for the land"*. The staging of the Thornton North urban release area has been established through the Thornton North Structure Plan, while detailed development controls and the identification of this key development site for a new local centre has been set through the Thornton North Area Plan.

The provision of a local centre within the Thornton North urban release area supports Council's policy to ensure that adequate infrastructure is delivered in parallel with residential development, continues to implement the aims and desire outcomes of the Thornton North Structure Plan and ensures that the development of a sustainable community.

The subject site is approximately 3.2 hectares of the Waterford County site within the Thornton North urban release area. It is proposed that the local centre will accommodate a variety of retail and commercial uses, some live/work units, associated 'at-grade' car parking, landscaping and servicing such as roads and loading areas. Attachment 2 provides an indicative layout and location for the proposed local centre.

The benefits of this proposed new local centre for the Thornton North area include:

AMENDMENT TO MAITLAND LEP 1993 - REZONING FOR CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

- Creation of a new local centre to support the growing residential population within this area of the Maitland LGA;
- Proposed size and scale of the local centre supports its identified role and function within Council's draft centres hierarchy and is expected to work in combination with the higher order centre at Thornton; and
- An increase in the provision of more convenience retail activities increases the choice and competition in the area for residents and allows new players to enter into the market;
- The creation of a well-deigned and well-connected local centre provides a focal point for residents to meet and a place that they can forge a strong identity with. This provides an attractive point of difference to other residential land releases;
- The provision of good connectivity to the centre for pedestrians, cyclists and public transport ; and
- The provision of residential dwellings close to or within the centre and the significant residential development in the immediate area, coupled with the proposed facilities, such as restaurant and cafes provide out of hours activity and a more vibrant centre.

Attachment 3 provides the draft planning proposal which has been prepared to submit to the Department of Planning for their consideration through the 'gateway' process.

Next Steps

If approved by Council, a planning proposal will be submitted to the Department of Planning for gateway approval to proceed with the LEP amendment. If approval for this amendment is obtained Council will prepare a draft LEP and will consult with relevant government department, agencies and infrastructure providers.

In line with the previous requirements, Council will seek approval from the Director-General to consult the community on the draft LEP amendment. Council officers will consider the submissions received on the draft and a report will be presented to Council for their final approval to request the Minister to make the instrument which will result in a rezoning of land to a General Business 3(a) zone under the Maitland LEP 1993.

FINANCIAL IMPLICATIONS

This matter is to progress the rezoning of the Thornton North Area and therefore has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

The site to which this rezoning proposal refers has been identified as a key site within Council's adopted Thornton North Area Plan and therefore has no specific policy implications for Council.

STATUTORY IMPLICATIONS

AMENDMENT TO MAITLAND LEP 1993 - REZONING FOR CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

There are no statutory implications under the Local Government Act 1993 with this matter. This rezoning is progressing in line with legislative requirements of the Environmental Planning and Assessment Act 1979, associated regulations and the guidelines for gateway approvals which is part of DoP's planning reforms.

CONCLUSION

The provision of a local centre in this location will provide a range of convenience retail activities to cater for the 'everyday' needs of the growing residential neighbourhood of Thornton North and to provide a community focal point.

The preparation of a planning proposal for submission to the Department of Planning as an amendment to the Maitland LEP 1993 is the next stage of rezoning for the Thornton North urban release area and is critical to implementing the aims of the Thornton North Structure Plan and ensure the sustainable development of this urban release area.

Appendix FOUR
Gateway Determination Notice

22 January 2010



Planning



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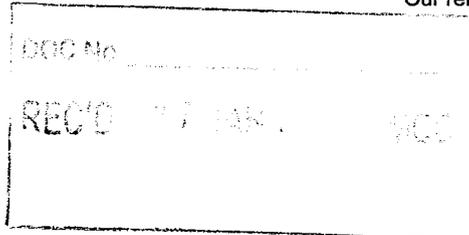
Department Generated Correspondence (Y)

Office of the Director General

Contact: Katrine O'Flaherty
Phone: (02) 4904 2718
Fax: (02) 4904 2701
Email: katrine.o'flaherty@planning.nsw.gov.au
Postal: PO Box 1226 Newcastle NSW 2300

Mr David Evans
General Manager
Maitland City Council
PO Box 220
MAITLAND NSW 2320

Our ref: PP_2009_MAITL_001_00



Dear Mr Evans,

Re: **Planning Proposal to rezone land within Thornton North urban release area to 3(a) General Business under Maitland LEP 1993 to facilitate the establishment of a new town centre**

I am writing in response to your Council's letter dated 30 November 2009 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ('EP&A Act') in respect of the planning proposal to amend the Maitland Local Environmental Plan 1993 to rezone land within Thornton North urban release area to 3(a) General Business to facilitate the establishment of a new town centre.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

The Gateway Determination requires that the planning proposal be made publicly available for a period of 14 days. Under section 57(2) of the Act I am satisfied that the planning proposal is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Katrine O'Flaherty of the Regional Office of the Department.

Yours sincerely,

Ian Reynolds
A/Director General

22.1.10

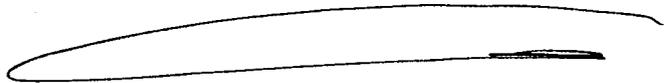
Gateway Determination

Planning Proposal (Department Ref: PP_2009_MAITL_001_00): To rezone land within Thornton North urban release area (Lot 122 DP 1108020) to 3(a) General Business under Maitland LEP 1993 to facilitate the establishment of a new town centre.

I, the A/Director General as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Maitland Local Environmental Plan 1993 to rezone land within Thornton North urban release area (Lot 122 DP 1108020) to 3(a) General Business under Maitland LEP 1993 to facilitate the establishment of a new town centre should proceed, subject to the following conditions:

1. 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).
2. No consultation is required with State or Commonwealth public authorities under section 56(2)(d) of the EP&A Act.
3. No public hearing is to be held into the matter under section 56(2)(e) of the EP&A Act.
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 22nd day of January 2010.



Ian Reynolds
A/Director General
Delegate for the Minister for Planning

Appendix FIVE

Consultation: Submissions Received

7 April 2010

Ms April McCabe
Strategic Projects Planner
Maitland City Council

<mailto:april@maitland.nsw.gov.au>

Dear April,

Chisholm Local Centre

1 Introduction and Contextual Considerations

I refer to our meeting on the 29th March 2010 and thank you for providing a copy of the single submission received by Council in response to the recent public exhibition of the draft LEP for the planned Chisholm local centre. The fact that only a single submission has been lodged is in my view a validation that the draft LEP is based on a sound sub-regional and local planning context. The planning context, together with the public consultation processes that have informed Council's thinking have reconfirmed the need for a new Centre to support Chisholm. This was clearly documented in the Council's Planning Proposal that was submitted to the Department of Planning (DoP) in late 2009 and which subsequently prompted their Gateway Determination in January 2010 that the LEP proceed.

That said, this letter provides additional information to assist Council in their finalisation of the matter. The letter addresses the matters raised in the submission prepared by the consultants acting for owners of the Thornton Shopping Centre, ROI Pty Ltd. The issues are:

- Quantum of land proposed to be rezoned.
- Inappropriate classification of the centre in the DoP Gateway Determination.
- Timing for rezoning relative to provision of infrastructure and incoming population.

Our response to these issues in part reflects a further evolution of the local planning context that has occurred since the Planning Proposal was forwarded to the Department late last year, namely:

- The adoption of the Maitland Activities Centres and Employment Clusters Policy (ACECP) in January 2010. This clearly establishes Council's adopted centres hierarchy, but also importantly does so in a way that provides flexibility to allow Centres to evolve over time focusing on role and function in the hierarchy. This approach is consistent with the Government's Draft Centres Policy released in April 2009;
- The adoption of the draft Maitland LEP 2011 in February 2010 for public exhibition purposes. This action provides a greater degree of certainty for Waterford County around Council's thinking in respect of statutory controls that are likely to be in place (or at the very minimum are a matter for consideration) come time for the Centre to seek development approval.

Both of these points are important as it establishes the role and function of Chisholm as a Local Centre and its subordinate status in Council's centres hierarchy relative to the Thornton Town Centre. It is considered that this fact is lost in the response to Council by ROI, as both of these documents provide significant development "upside" aimed at facilitating the longer term growth and expansion of the Thornton Town Centre, of which the Thornton Shopping Centre forms a key part.

The issues raised in the submission by ROI are addressed in turn below:

2 Quantum of Land to be Rezoned

The quantum of land to be rezoned reflects an indicative design outcome aimed at satisfying the adopted planning objectives for the Centre contained in the Thornton North Area Plan (TNAP). The TNAP forms a chapter within Maitland City Wide DCP. More specifically, the Waterford County Precinct Plan (WCPP) forms an integral part of the TNAP and was adopted by Council following a statutory public exhibition process on the 26th February 2008.

The WCPP identifies the site of the proposed Centre within Figure 6. The size of land to be rezoned now is entirely consistent with existing resolutions of Council when it first chose to exhibit then adopt the WCPP. The point being that for over 2 years, Council has had an adopted policy position for the Chisholm Local Centre that is simply consistent with what is now being formalised by rezoning. At no point in the past, most notably during the public exhibition of the draft WCPP in late 2007 did ROI choose to challenge this. As such it should come as no surprise that the Gateway Determination classified the Planning Proposal as “low impact”.

Accordingly, Waterford County wish to reaffirm its position on the appropriateness of maintaining the proposed quantum of land to be rezoned. To do otherwise would undermine not only the ability to satisfy the Planning Objectives and Requirements for the Centre as detailed in the WCPP, but also the past resolutions of Council.

As you would recall, as assessment of the indicative concept against the adopted Planning Objectives and Requirements for the Centre was contained in our letter to Council of the 1st March 2010 and subsequently used in the draft LEP exhibition material. These are repeated below:

Objectives	Compliance	Comment
<ul style="list-style-type: none"> ▪ <i>To incorporate a Future Village Centre that provides a range of shopping and community support facilities and activities commensurate with its role in a hierarchy of centres across the Maitland local government area.</i> ▪ <i>To create a transport hub at the Village Centre, by providing good connectivity to the Centre for pedestrians, cyclists and public transport.</i> ▪ <i>To create a critical mass of residential dwellings close to or within the Future Village Centre to provide out of hours activity.</i> 	<ul style="list-style-type: none"> ✓ ✓ ✓ 	<ul style="list-style-type: none"> ▪ Proposal is for a local centre as defined under Council's ACECP. Concept shows centre at potential full development. Higher order centre Town Centre would include other complementary services and expanded retail offer up to 150 establishments drawing on a wider catchment. ▪ Location of centre is consistent with Waterford County Precinct Plan, which include access to Centre via main boulevard and connectivity to open space networks ▪ Concept includes allocation of space for SOHO units. Furthermore additional possibility exists for medium density housing to be constructed in the future adjacent to the site as depicted.
Requirements	Compliance	Comment
<ul style="list-style-type: none"> ▪ <i>The Future Village Centre is to have easy and direct pedestrian, cyclist and vehicle access to the surrounding residential area and good visibility from the main access route. It is to be located generally in accordance with Figure 6.</i> ▪ <i>The street structures and Village Centre is to be</i> 	<ul style="list-style-type: none"> ✓ ✓ 	<ul style="list-style-type: none"> ▪ Centre is located generally in accordance with Figure 6 of Waterford County Precinct Plan ▪ Road geometry and structure is intended to provide public transport access into the Centre and to

<p><i>designed to accommodate or facilitate buses and bus stops.</i></p> <ul style="list-style-type: none"> ▪ <i>Footpaths are to be a minimum of 4 metres to Village Centre streets.</i> ▪ <i>Loading and parking access for the Future Village centre is generally to occur from the rear rather than the main street.</i> ▪ <i>The school is to be located on a collector road close to the Future Village Centre to encourage use of the Centre.</i> ▪ <i>The Future Village Centre is to be designed to capture views to the adjacent open space and streets are to terminate on axis with unique features and buildings.</i> 	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p>adjacent planned school site.</p> <ul style="list-style-type: none"> ▪ A concept has been generated with this in mind. A detailed design issue to be confirmed at DA stage. ▪ Concept design demonstrates ability for this to occur from secondary roads that connect the centre to local road network ▪ School is located immediately to the north of the Centre to reinforce focus for activity and create sense of place. ▪ Central element of the concept is a main street that aligns towards a public square with views directly across the riparian zone that bisects the Precinct
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It is reiterated that the compliance of the indicative concept largely reflect a public desire for spaciousness in the urban structure and built form of Chisholm that that can be traced back to the adoption of the Thornton North Structure Plan by Council in December 2003.

It is somewhat disingenuous therefore for ROI's consultants to be comparing the proposed rezoning of the Chisholm Local Centre to other larger scale shopping centres as it does not in any way recognise the specific planning and property circumstances that apply in each instance.

For the most part, the other centres listed by ROI's consultants within existing town centre settings where land availability is scarcer thereby driving vertical as opposed to lateral built form responses, particularly when it comes to car parking provision. In certain cases cited by ROI's consultants, car parking is at a basement level. (For example basement parking is provided at Raymond Terrace, Morriset Square and in the approved DA for Gowrie Street Mall). The point is that the respective growth and evolution of each of these centres reflects their own retail planning contexts, the market conditions and their own particular site opportunities and constraints. In fact the other centres could be more appropriately used to compare the potential for the ROI site, given that they all for the most part share "Town Centre" status under respective local planning provisions/policies. For example Morriset Square which is cited in the submission, provides a larger centre (10,947m²) as compared to Thornton's approx 4,800m², yet does so on less land (1.16ha as compared to 1.5ha).

As was stated in our letter of the 1st March, the indicative concept is reflective of the end outcome for the Centre based on the forecast retail needs to cater for the planned incoming population for Chisholm. The Chisholm site is largely constraint free, enabling the site to be planned in an entirely orderly fashion. The concept reflects the spaciousness demanded by the community and reflective of the character of some of Maitland's lower order centres, which most notably contain a main street focus linked to generous public spaces. In other words the design concept has driven the land take, not land availability driving design. The outcome is a Centre that is entirely planned but at a scale that is not challenging Council's hierarchy. This includes space for SOHO apartments that are scattered both close to and within the Centre, consistent with the objectives contained in the WCPP.

Having said that and in order to provide added planning certainty, Waterford County would be happy for a maximum FSR control to be established over the site of 0.5:1 under MLEP 1993 and that this

FSR be subsequently translated into the MLEP 2011. The FSR would apply to all uses, including any SOHO apartments (classified as shop top housing under draft MLEP 2011) within the Centre.

Additionally, draft MLEP 2011 proposes to zone the Chisholm centre B1 Neighbourhood Centre, whereas the Thornton Town Centre is proposed to be zoned B2 Local Centre (together with adjoining Council land). Similarly the Thornton TC maintains its existing 2:1 FSR, but over an enlarged site area under draft MLEP 2011, whereas there is no FSR currently contained in draft MLEP 2011 applying to Chisholm. The offer above will address this. This distinction in zoning and FSR control provides added statutory control over the end outcomes conceivable for both Centres and reinforces the hierarchy contained in the ACECS.

To provide further certainty, Waterford County offers to amend the existing WCPP provisions relating to the Centre. These proposed amendments would seek to incorporate additional design guidelines that are reflected the indicative design concept. This could be dealt with prior to the consideration of any future DA for the site.

3 “Town” Centre Classification

Waterford County have never sought nor does it seek to have the proposed centre for Chisholm designated a “Town” Centre. This is clearly a clerical error on the part of the Department and Waterford County has no issue in Council clarifying/rectifying this point with the Department. This position is supported by statements made by Waterford County in its submission to Council in response to the initial public exhibition of the draft ACECP in August 2009. Further the proposed concessions made to the Planning Proposal in 2 above will only reinforce this position.

4 Timing of Rezoning relative to Infrastructure Provision

The orderly release of land is dependent upon its orderly planning and to suggest the rezoning proposal is premature couldn't be further from the fact. The need for a Centre to support the incoming population for Chisholm was first recognised in the TNSP 2003. The relative size of this Centre has evolved as forecast population for Chisholm release area has itself increased during the intervening period, principally through the Lower Hunter Regional Strategy 2007. However, at the same time, the role of the Chisholm Centre relative to that of Thornton TC has remained constant. Statements in respect of the timing issue made by Consultants acting for ROI are fundamentally flawed because firstly they fail to recognise the distinction between the rezoning and development phases of the land release process and the point at which consideration of Clause 55 of MLEP 1993 is triggered.

In this respect, whilst a cap is in place on the number of lots that can be delivered (i.e. consent issued) it doesn't recognise that:

- The cap is temporary pending the finalisation of the contribution mechanism in respect to the Thornton Rail Bridge. The State Government committed to providing the full forward funding of the Thornton Rail Bridge in August 2009 which paves the way for construction to commence.
- All other regional transport infrastructure provision is in place (i.e. the Weakley's Drive Interchange).
- Hunter Water have invested in excess of \$20m in water, sewer and recycled water infrastructure specifically to service Chisholm.
- In the order of 2500 lots have been rezoned as part of the Stage 1 release of Chisholm.
- Council has resolved to prepare a draft LEP to rezone the balance the Chisholm release area.

In this context, it makes no practical sense to delay the rezoning of the commercial centre, which is required to service the release. This approach is entirely consistent with standard practice for all urban land releases.

Secondly, the submission tends to state the obvious, i.e. that an incoming population will provide the basis for providing the proposed Centre. The actual timing and method for delivery of the Centre will be dependent to a degree on the rate at which the population will arrive in Chisholm. Therefore it is at

DA stage when the impacts (both positive and negative) on the Thornton TC are more appropriately assessed.

Conclusion

As the single largest landholder and developer in Chisholm, Waterford County is investing in the order of \$200 million to deliver its part of Council's vision for Chisholm. This includes provision of a viable and sustainable local centre as envisaged by Council dating back to December 2003 with the adoption of the TNSP, through the adoption of the WCPP in February 2008 to most recently with the January 2010 adoption of the ACECS. Without an appreciation of this, the issues raised by ROI's consultants are somewhat shallow and lack a depth of understanding of the planning processes that have been invested by Council and Government, not to mention landowners/developers such as Waterford County in bringing Chisholm on-line. It is therefore unreasonable for the rezoning process to be stopped at this point as suggested in the ROI submission. That said, the ROI submission has in fact provided the opportunity for Waterford County to give closer consideration to the detail of the rezoning proposal so that planning and investment certainty in both the proposed Chisholm and existing Thornton Centres can be enhanced. To this end, it is recommended that Council impose a maximum FSR of 0.5:1 over the Chisholm Local Centre. Similarly, Waterford County offers to make amendments to the WCPP to ensure that the design principles reflected in the indicative concept plan are ultimately incorporated in future DAs for the Centre. By doing so will further ensure that the Chisholm Centre is entirely consistent with Council's planned centres hierarchy.

Thank you for the opportunity to respond to the issues raised and I trust that Council finds the contents of this letter of assistance. My client looks forward to the timely resolution of the rezoning process consistent with the Gateway Determination. I would be happy to discuss any of the above if you have any questions and can be contacted on 02 82339925.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Hoy', is written over a faint, light-colored signature line.

David Hoy
Director

cc. Waterford County



LEYSHON CONSULTING

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109 Pitt Street, Sydney
NSW Australia, 2000

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Facsimile 61 2 9224 6150
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29 March, 2010

Ms Briony Mitchell
ROI Group Pty Ltd
PO Box 157
BONDI JUNCTION NSW 1355

DOC No.	
REC'D	30 MAR 2010 MCC
FILE No.	
REFER	

Dear Ms Mitchell

RE: PROPOSED REZONING of LAND – CHISHOLM

You have asked for comment on a report (*Submission to Draft Maitland Centres Strategy and Request for Rezoning of Planned Village Centre at Chisholm*) prepared by consultants Urbis for Waterford County Pty Ltd (Waterford). We understand Waterford are the developers of the area known as Chisholm—formerly Thornton North.

The Urbis report aims to justify the need for a centre in Chisholm of about 6,000 sq.m. anchored by a full-line supermarket (3,500 sq.m.) and the consequent need to rezone 3.2 hectares of land to B2—Local Centre to provide for retail and commercial uses in the area.

We have only had time to review briefly the Urbis report but we consider it to be a deeply flawed document for the following reasons:

- the Main Trade Area (MTA) adopted in the Urbis report is too large. The MTA includes all of the existing suburb of Thornton, Chisholm, the western part of Woodbury and areas as far west as Metford Road including the settlement of Morpeth. This area is clearly excessive if the purpose of the report is to assess the local retail needs of the Chisholm area;
- the Urbis report presents only amalgamated data for the MTA (described above) and does not separate out the demand for retail space generated specifically by existing and future residents of Chisholm;
- the Urbis report does not discuss the fact that residential settlement in Chisholm is restricted to only 352 lots until access to the area is upgraded. A population of this order can be served by a local centre of about 500 sq.m.;
- the Urbis report assumes no change to floorspace in the Thornton Town Centre when such change is both possible and appropriate in what is, after all, a higher order centre; and

- the report claims that a centre of 6,000 sq.m. at Chisholm is consistent with the recommendations of the Hill PDA *Maitland Centres Strategy* report when in fact Urbis are advocating a centre in Chisholm with a larger anchor tenant than that in the Thornton Town Centre and one which will affect adversely the viability of the latter. This is clearly contrary to the Centres Strategy recommended by Hill PDA and endorsed by Council.

In summary, our preliminary review of the Urbis report finds it presents a flawed analysis of both the extent of need for retail floorspace in Chisholm and its recommendations are inconsistent with what is set out in the Maitland Centres Strategy.

I trust the above is of assistance in you discussions with Council. Please contact me on (02) 9224-6111 or pd@leycon.com.au if any further information can be provided.

Yours sincerely

LEYSHON CONSULTING PTY LTD



**PETER LEYSHON
DIRECTOR.**



planning consultants



town planning
economic & retail assessment

22 March 2010
Our Ref: 7662A.2RP

The General Manager
Maitland City Council
PO Box 220
MAITLAND 2320

Attention: Ms Monica Gibson, Strategic Planner

Dear Sir

Objection Submission to Chisholm Local Centre Planning Proposal (Gateway Determination) at Lot 122 DP 1108020 within the Thornton North Urban Release Area

1.0 Introduction

You are advised that Don Fox Planning Pty Ltd (DFP) has been instructed by ROI Pty Ltd, the owners of the existing Thornton Shopping Centre, to undertake a planning investigation of the Chisholm Local Centre Planning Proposal (Gateway Determination) at Lot 122 DP 1108020 located within the Thornton North urban release area, and to make an objection submission to Maitland City Council (Council) in respect to this rezoning proposal.

This objection submission has been prepared in association with advice received from Leyshon Consulting, Retail & Economic Consultants. **Appendix A** to this objection submission is a letter from Leyshon Consulting dated 14 December 2009 to ROI Pty Ltd, which sets out a number of concerns with the Chisholm Local Centre Planning Proposal. We are informed that Peter Leyshon of Leyshon Consulting is in the process of undertaking a retail needs and impact assessment of the Chisholm Local Centre Planning Proposal which is anticipated to be completed within the next one to two weeks. Peter Leyshon of Leyshon Consulting has been required to give expert evidence at the NSW Land & Environment Court over the past week which has prevented him from undertaking this assessment for ROI Pty Ltd.

It is emphasised at the outset that ROI Pty Ltd does not object "in principle" to the rezoning of land for an appropriate, smaller sized site for a new local centre to provide for the daily convenience shopping needs of the emerging local residential population within the specific catchment of the Thornton North urban release area. Limiting the scale of the Chisholm Local Centre Planning Proposal to a smaller sized rezoning site would ensure that it functions as a local centre rather than as a town centre (or even possibly as a district centre) consistent with the retail hierarchy in Council's endorsed Activity Centres Strategy (January 2010).

The principle objections that ROI Pty Ltd have to the current Chisholm Local Centre Planning Proposal (Gateway Determination) are as follows:

- (a) The 3.2 hectare rezoning site nominated in the Chisholm Local Centre Planning Proposal (Gateway Determination) is excessive in size. The rezoning site is more than twice the site area of the existing Thornton Shopping Centre (a nominated town centre) and would, if zoned 3(a) General Business under an amendment to Maitland LEP 1993, have the potential to accommodate development of a shopping centre more typical in scale and



function with a town centre or district centre such as Thornton, Muswellbrook Fair, Morisset Square, Raymond Terrace Marketplace and Gowrie Street Mall, Singleton.

- (b) The Gateway Determination for the Chisholm Planning Proposal issued by the Department of Planning on 22 January 2010 incorrectly describes the rezoning proposal as:

*“To rezone land within Thornton North urban release area (Lot 122 DP 1108020) to 3(a) General Business under Maitland LEP 1993 to facilitate the establishment of a **new town centre.**”*

The Gateway Determination issued by the DoP should have been to rezone land within the Thornton North urban release area to facilitate the establishment of a **new local centre**, and not for a much larger town centre which is clearly inconsistent with the strategic planning policy context endorsed by Council and the State Government including the Maitland Urban Settlement Strategy 2001-2021, Thornton North Structure Plan and Area Plan and the Draft Maitland Centres Strategy.

- (c) The timing for the rezoning and potential development of the Chisholm Local Centre Planning Proposal is premature given the early stage of residential subdivision and development in the Thornton North urban release area. In particular, the first stage of the Thornton North urban release area has been capped at a maximum of 892 residential lots by Department of Planning letter dated 28 May 2008 pursuant to Clause 55 of the Maitland LEP 1993.

A significant constraint to the development of the Thornton North urban release area is the local and regional road infrastructure in this locality, including the intersection of Thornton Road and the New England Highway and the crossing of the Hunter Rail Line at Thornton Rail Station. Whilst there has recently been agreement to State and Federal Government funding of local and regional road infrastructure in the Thornton area including the Thornton Rail Bridge upgrade, it is at an early planning and design phase and the road infrastructure works not take place for several years.

This places in serious doubt the economic viability of the Chisholm Local Centre Planning Proposal which would need to draw from a much wider trade catchment to the potential detriment of existing higher order activity centres such as the Thornton Shopping Centre.

2.0 Chisholm Local Centre Planning Proposal

The real property description of the rezoning site for the Chisholm Local Centre Planning Proposal is Lot 122 DP 1108020. The rezoning site is situated on the eastern edge approximately in the centre of the Waterford County Precinct Plan within the Thornton North urban release area. **Figure 1** below shows the location of the rezoning site for the Chisholm Local Centre Planning Proposal within the Thornton North urban release area.

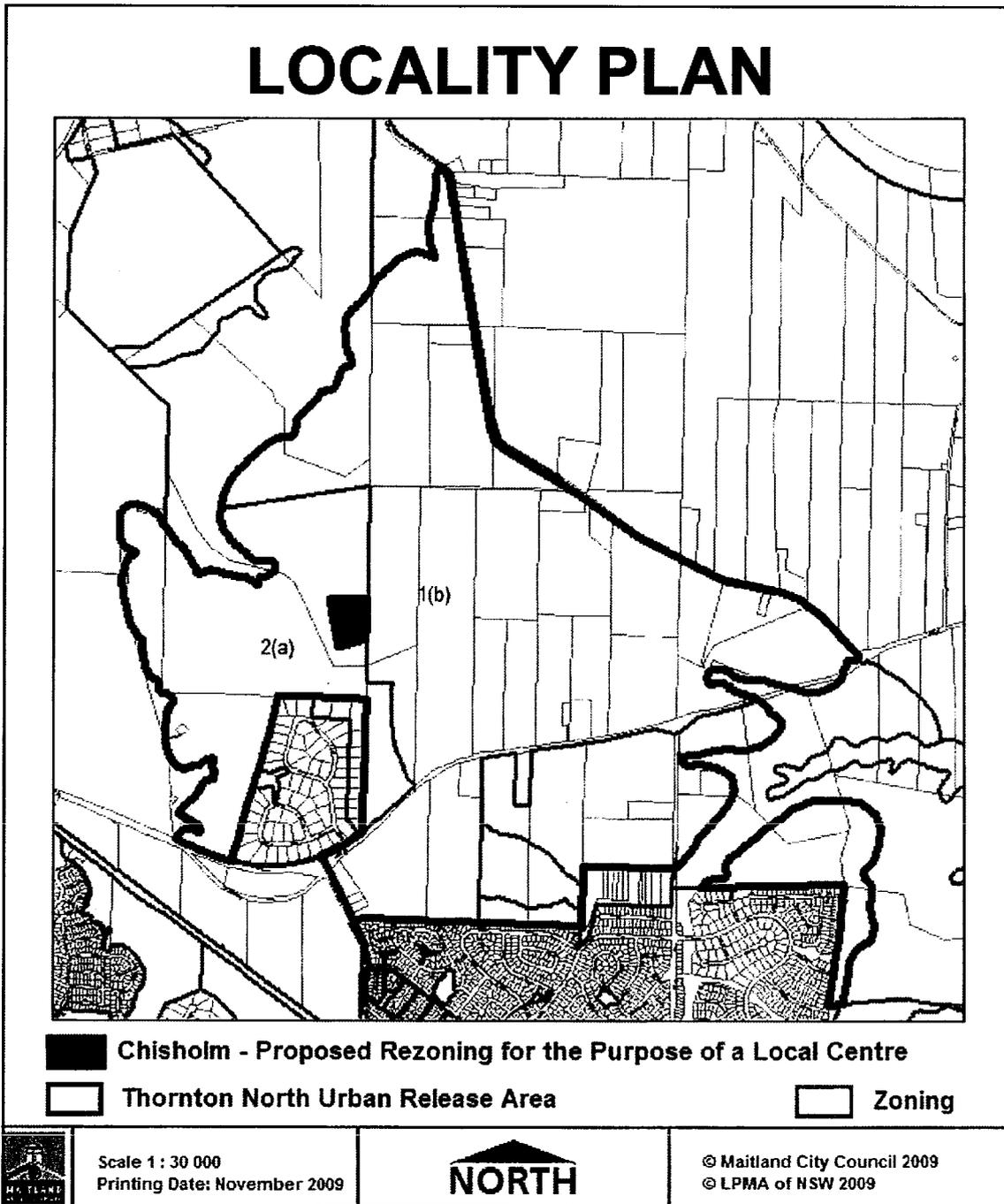


Figure 1: Locality Plan

The report to Council's Ordinary Meeting of 24 November 2009 (Item 10.1 - Amendment to Maitland LEP 1993 – Rezoning for Chisholm Neighbourhood Centre) states as follows:

“The subject site is approximately 3.2 hectares of the Waterford County site within the Thornton North urban release area. It is proposed that the local centre will accommodate a variety of retail and commercial uses, some live/work units, associated “at-grade” car parking, landscaping and servicing such as roads and loading areas. Attachment 2 provides an indicative layout and location for the proposed local centre.”



Figures 2 and 3 below are copies of the indicative concept plan and artist impression of the Chisholm Local Centre Planning Proposal prepared by Urbis, Planning Consultants.

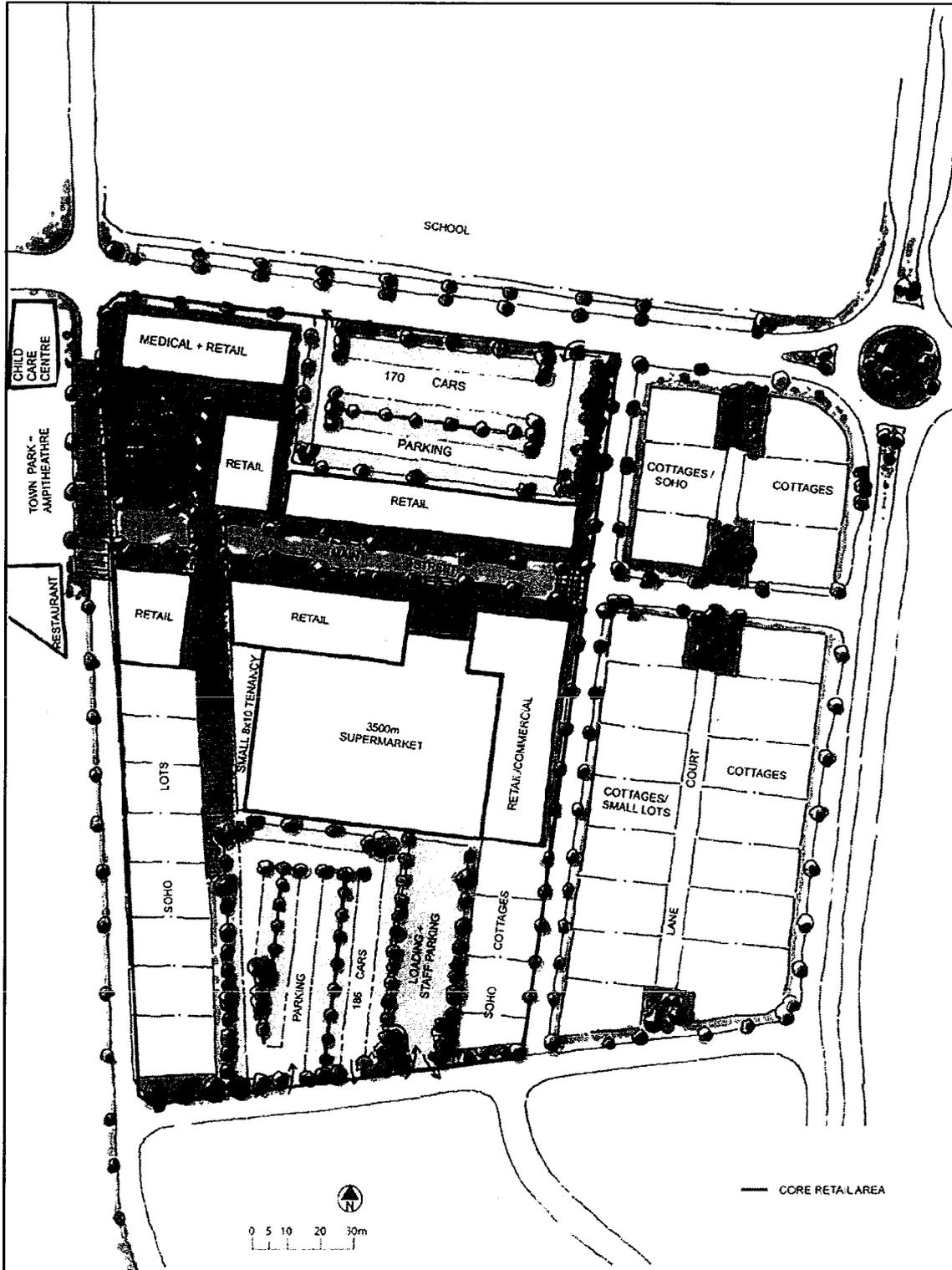


Figure 2: Urbis Indicative Layout Plan for the Chisholm Local Centre Proposal

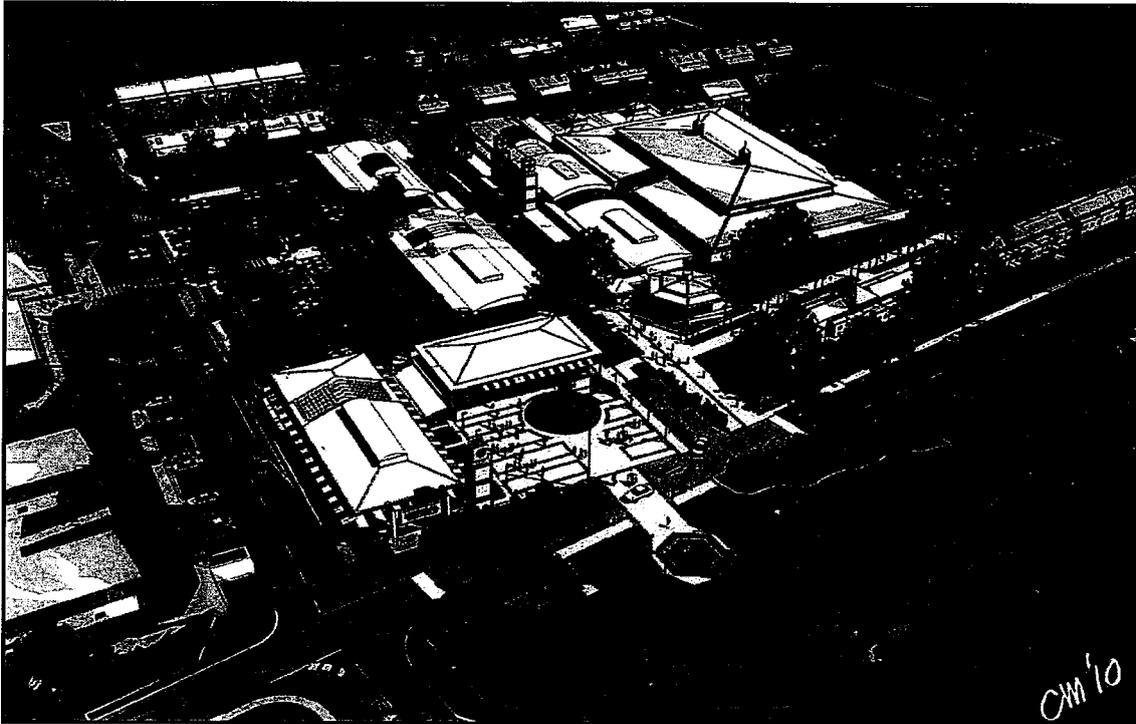


Figure 3: Urbis Artist's Impression for the Chisholm Local Centre Proposal

The Urbis planning report for the Chisholm Local Centre Planning Proposal states that the indicative layout plan (see **Figure 2**) for the 3.2 hectare rezoning site will have the following allocation of space:

- Supermarket of 3,500m² gross floor area (11% of site usage)
- Retail and services (9%)
- Medical (3%)
- Commercial office (3%)
- Residential (including home office) (13%)
- Car parking (at-grade) (32%)
- Open space (9%)
- Public roads (20%).

In the opinion of DFP, the Urbis indicative layout plan (see **Figure 2**) for the proposed Chisholm Local Centre Planning Proposal has an extremely low and unrealistic floor space ratio (FSR) of only 0.23:1 with a disproportionately large amount of land allocated to open space, car parking and roads (ie. 60% of the site area) and with some 13% allocated as SOHO developments for small offices and/or home occupations within dwellings. Indeed, it is questionable whether there is likely to be a demand for SOHO type developments within the Thornton North urban release area.

The Gateway Determination issued by the DoP for the 3.2 hectare rezoning site for the Chisholm Local Centre Planning Proposal will involve rezoning the entire site 3(a) General Business under an amendment to Maitland LEP 1993. It is noted that the Maitland LEP 1993



permits a 2.0:1 maximum FSR for development of land zoned 3(a) General Business. Upon the gazettal of the draft amendment to Maitland LEP 1993, it would be open for a proponent to lodge a development application for a much larger shopping centre than that shown on the Urbis indicate layout plan (see **Figure 2**) for the Chisholm Local Centre Planning Proposal. Adopting a conservative floor space ratio of 0.5:1 for the 3.2 hectare rezoning site, there is the potential for about 16,000m² of retail and commercial floor space to be developed on the land proposed to be zoned 3(a) General Business for the Chisholm Local Centre. A total retail and commercial floor space of about 16,000m² would be commensurate with other major higher order shopping centres in the Hunter Region such as:

- Raymond Terrace Marketplace which includes a Big W and Woolworths Supermarket. This shopping centre has a total retail floor area of 14,972m² and occupies a site area of about 2.5 hectares.
- Hunter Street Mall which is within the Maitland City Centre. This shopping centre includes a Kmart and Bi-Lo supermarket and has a total retail floor space of over 14,300m² and occupies a site area of about 2.3 hectares.
- Gowrie Street Mall in Singleton which includes a Big W and Woolworths supermarket and has a total retail floor space of about 11,100m² and occupies a site area of about 2.75 hectares.

The 3.2 hectare rezoning site for the **Chisholm Local Centre Planning Proposal is more than double the site area of the existing Thornton Shopping Centre** and it should be scaled back in size to not greater than 1 hectare so that it functions as a Local Centre for the Thornton North urban release area.

3.0 Existing Thornton Shopping Centre

The existing Thornton Shopping Centre is owned by ROI Pty Ltd and is located on the north-eastern corner of Thomas Cooke Drive and Taylor Avenue within the Thornton Town Centre.

Figure 4 below is an aerial photograph and extract of the Maitland LEP 1993 zoning map which shows the existing Thornton Shopping Centre and surrounding land in the Thornton Town Centre. It is significant to note that the existing Thornton Shopping Centre has a site area of about 1.5 hectares which is less than 50% the size of the rezoning site for the Chisholm Local Centre Planning Proposal.

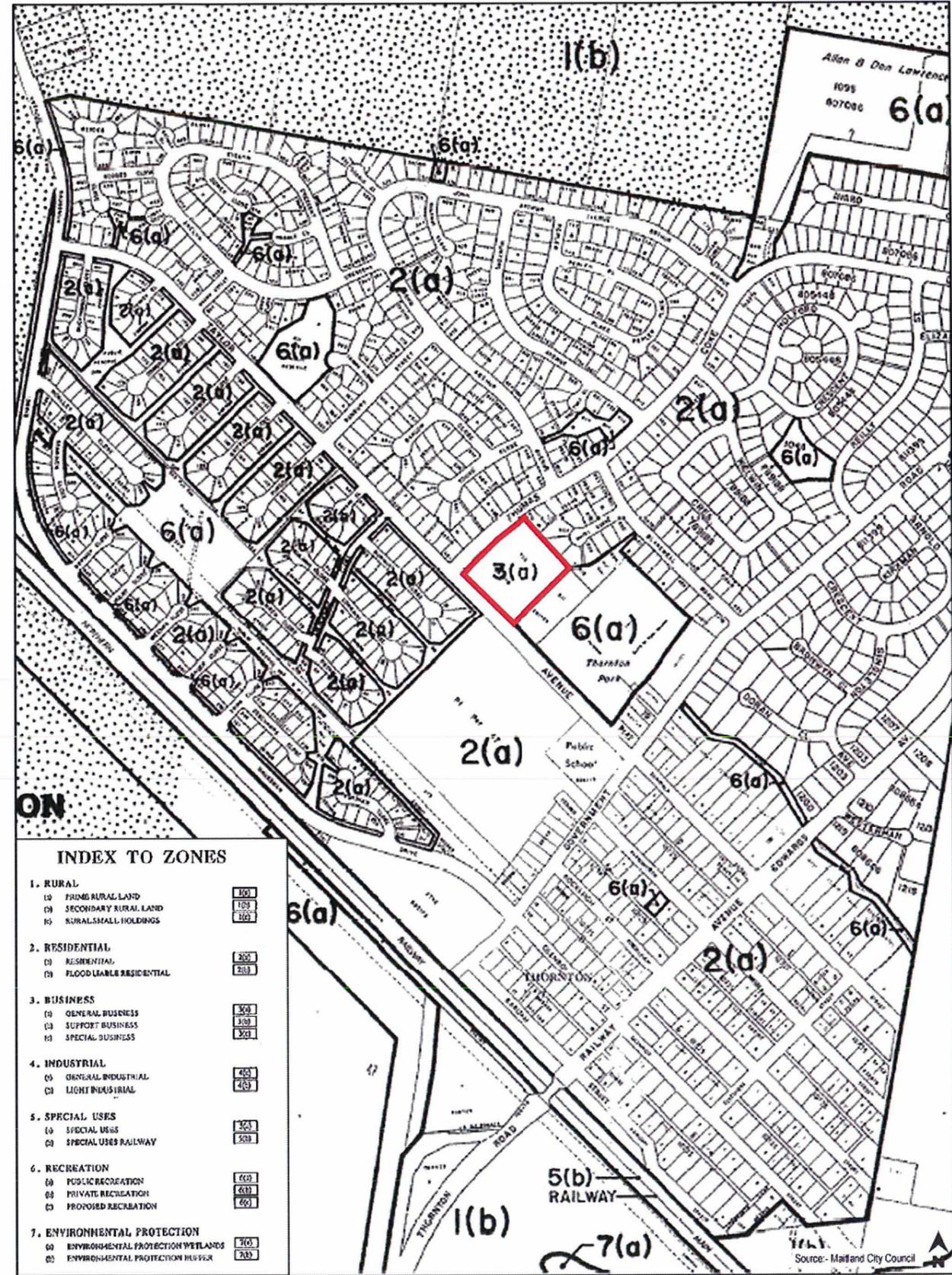
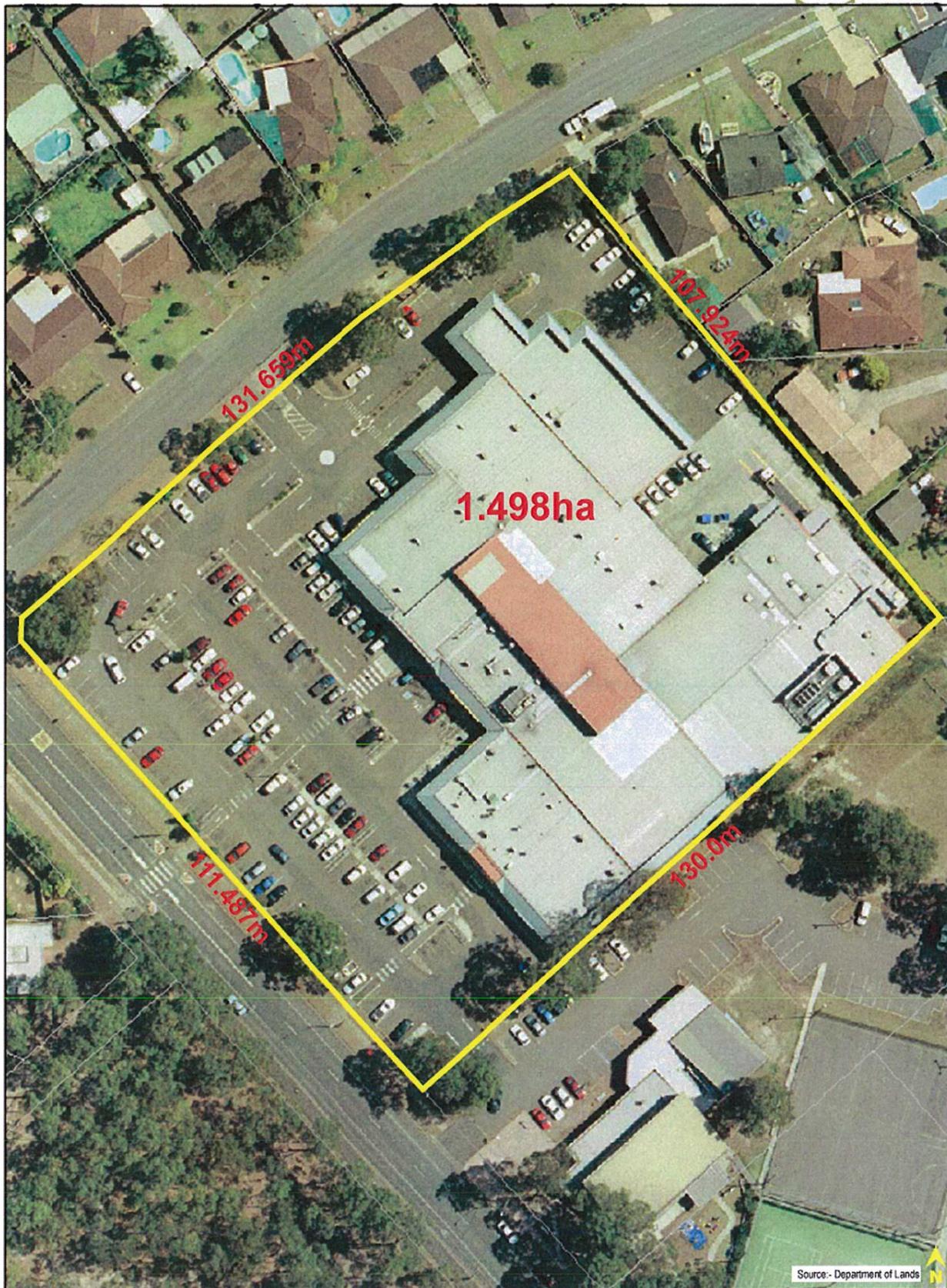


Figure 4:- Aerial Photo and Zoning Map for Thornton



Council's Maitland Centres Strategy report prepared by Hill PDA (October 2009) which informed Council's Maitland Centres Strategy states as follows:

Role and Function

Thornton is classified as a Town Centre by the New South Wales Government's Lower Hunter Regional Strategy and Maitland Council's Urban Settlement Strategy. The main component of the Town Centre is the Thornton Shopping Centre, servicing the needs of the local population. In close proximity to the shopping centre is Thornton Library and the Thornton Public School.

Commercial and Retail Mix

The shopping centre comprises 24 premises, totalling approximately 5,000m². The centre includes a Bi-Lo (2,300m²), a Price Mart (431m²) and an Ice Box Liquor (254m²).

Planning Controls

Under the current Maitland Local Environmental Plan 1993, the land is zoned 3(a) General Business. The 3(a) General Business zoning allows for a maximum FSR of 2:1.

Future Opportunities

Opportunities for Thornton Town Centre relate to the anticipated development of additional residential dwellings (approximately 4,750) in the Thornton North area over the Study period.

The town centre therefore has the prospect of strong future trade, filling existing vacancies, providing a broad range of employment opportunities as well as retail, community and personal services.

Our retail analysis suggests that the centre could accommodate growth to between 5,000m² and 6,000m² of floor space."

In recent years, ROI Pty Ltd have been discussing with Council the potential for future expansion of the Thornton Shopping Centre involving the rezoning of adjoining land, including land comprising the Thornton Community Centre and Library consistent with Council's strategic directions to reinforce and expand Thornton Town Centre.

It is important that Council prioritise the rezoning of land to enable the expansion of the Thornton Town Centre which would not be achieved if the rezoning of the Chisholm Local Centre Planning Proposal takes place at this time.

4.0 The Excessive Size of the Rezoning Site and Potential Scale of the Chisholm Local Centre Planning Proposal

Figure 5 below is an overlay of the Urbis indicative layout plan (see **Figure 2**) for the Chisholm Local Centre Planning Proposal on an aerial photograph of the existing Thornton Shopping Centre and surrounding Thornton Town Centre locality.



Figure 5:- Overlay of Chisholm Local Centre Urbis Indicative Layout Plan



Figure 5 clearly illustrates the excessive size of the 3.2 hectare rezoning site for the Chisholm Local Centre Planning Proposal as compared with the existing Thornton Shopping Centre. It is over twice the size of the existing Thornton Shopping Centre. Yet, under Council's Activity Centre and Employment Clusters Strategy (January 2010), the existing shopping centre at Thornton is identified as a town centre whilst the proposed activity centre at Chisholm is classified in Council's Strategy as a lower order local centre.

The Council's Activity Centres and Employment Clusters Strategy (January 2010) provides the following key policy objectives for the Chisholm Local Centre:

- “• *Reinforce the role and function of Chisholm as a local centre within the network and hierarchy of activity centres, to support the higher order function of the town centre at Thornton and provide a focal point for community activity enabling a strong identity and sense of community to be built by the new residents of Chisholm.*
- *Creation of a new local centre to support the growing residential population by providing a range of convenience shopping combined with some community activities within this area of the Maitland LGA.”*

The Council's Maitland Centres Strategy states in relation to future opportunities for planning and development of the Chisholm Local Centre that it *“must be undertaken in the context of the significant residential development that is occurring in the Thornton North urban release area. Analysis suggests that this new activity centre could potentially be similar in size and offer to the existing local centre at Lorn”*.

By comparison, the existing Lorn Local Centre which is located on both sides of Belmore Road, has a total retail and commercial floor space of only about 3,600m² including a small supermarket and grocery store (600m²), specialty food (400m²), catered food (600m²), apparel (100m²), other non-food retail (500m²), personal services (300m²), vacant shop (100m²) and other commercial (1,000m²) (Source: Hill PDA Survey 2008, Maitland Centres Study). The site area of the existing Lorn Local Centre is substantially less than the 3.2 hectare rezoning site for the Chisholm Local Centre Planning Proposal. The Chisholm Local Centre Planning Proposal is not consistent with the smaller scale of the existing Lorn Local Centre.

Once the 3.2 hectare rezoning site is zoned 3(a) General Business under the draft amendment to Maitland LEP 1993, there is no guarantee that the Urbis indicative layout plan (see **Figure 2**) with an extremely low and unrealistic floor space ratio of only 0.23:1 will proceed. It will be open for a proponent to lodge a development application with Council for a much larger shopping centre over the entire Chisholm site which would compete rather than support the higher order activity centre functions of the Thornton Town Centre. Certainly, a proponent would regard retailing as the “highest and best use” of the Chisholm site if it is rezoned to 3(a) General Business with a permitted 2.0:1 maximum FSR control under the Maitland LEP 1993.

The Council's Activity Centres and Employment Clusters Strategy (January 2010) has identified that *“a Local Centre offers a range of convenience shopping with limited comparison retailing, local health and professional services along with a café, restaurant and/or takeaway establishment. A Local Centre may also contain local community facilities and can be characterised by a scale of between 4 and 12 establishments”*.

By contrast, a Town Centre such as Thornton is defined in Council's Activity Centres and Employment Clusters Strategy (January 2010) as offering *“a range of convenience shopping and comparison retailing, health and professional services and commercial offices. An indicative scale of this centre typology can range from between 80 and 150 establishments”*.



It is noted that the Urbis indicative layout plan (see **Figure 2**) is anchored by a full-line supermarket of some 3,500m² floor space, as well as specialty retail, medical and commercial offices, but with an extremely low floor space ratio of only 0.23:1. A Local Centre which is intended to meet the convenience daily shopping needs of future residents within the Thornton North urban release area would typically only require a small supermarket/grocery store of about 500m² to 1,000m² as well as a limited number of specialty shops, commercial offices and medical facilities.

DFP concurs with the comments in the Leyshon Consulting letter dated 14 December 2009 (see **Appendix A**) in respect to the Chisholm Local Centre Planning Proposal as follows:

“Planning Implications

Based on our experience with retail development generally, and in terms of the planning of centres in particular, we consider there are some substantial risks with applying an unrestricted commercial zoning to such a large area of land.

*First, notwithstanding that the applicant has indicated they intend to undertake a mixed use development on the subject site, Council should take into account the possibility that the **entire site** may be developed for retail purposes if the land is rezoned as proposed. Certainly, retailing would be the “highest and best use” of the land if it obtains a 3(a) General Business zoning.*

In this regard, Council should be aware there are a number of very substantial shopping centres in the Hunter Region (and elsewhere) which have been developed on similar (or even smaller) areas of land. These include:

- *Muswellbrook Fair – 2.50 hectares (8,828m²)*
- *Morisset Square – 1.16 hectares (10,947m²)*
- *Raymond Terrace Marketplace – 2.50 hectares (14,983m²)*
- *Gowrie Street Mall (Singleton) – 2.75 hectares (11,009m²)*

It should be noted that all of these centres contain at least one full-line supermarket with two centres (Raymond Terrace and Singleton) containing a Big W discount department store and between 10 and 42 specialty shops.

In our opinion, if the land in question is rezoned to 3(a) it is possible that a future centre on the Chisholm site could be developed which would be larger than the existing Thornton Town Centre and dominate in retail terms.

Such an outcome would be inconsistent with the revised draft Strategy which, as previously noted, clearly places the Thornton Town Centre at a higher level of the recommended retail hierarchy for Maitland than the Chisholm Local Centre.

Second, given the limited extent of residential development in Thornton North to date, there is no economic need for a full-line supermarket at the Chisholm Local Centre for the immediate future. Such supermarkets require a catchment population of at least 8,000 persons to be viable. If the proposed Chisholm site were to be rezoned to accommodate a full-line supermarket, and if such a store was developed by 2011, it would only be viable on the basis of attracting shoppers from the existing suburb of Thornton. Clearly, this outcome would be detrimental to the Thornton Town Centre.”

Indeed, even if it is assumed that a very conservative FSR of 0.5:1 is applied to the 3.2 hectare rezoning site for the Chisholm Local Centre Planning Proposal, this would result in a total retail and commercial floor space of about 16,000m², not only far exceeding the existing Thornton



Shopping Centre (5,010m²) (Source: Hill PDA Survey 2008, Maitland Centre Study), but also exceeding the total floor space of district/subregional shopping centres such as Muswellbrook Fair, Morisset Square, Raymond Terrace Marketplace and Gowrie Street Mall (Singleton). This is clearly not what is intended under Council's endorsed hierarchy for activity centres for the Maitland LGA.

5.0 The DoP's Gateway Determination for the Chisholm Local Centre Planning Proposal

Appendix B to this letter is a copy of the DoP's Gateway Determination for the Chisholm Local Centre Planning Proposal issued on 22 January 2010 by Mr Ian Reynolds, Director-General Delegate for the Minister for Planning, which incorrectly describes the rezoning proposal as follows:

"To rezone land within Thornton North urban release area (Lot 122 DP 1108020) to 3(a) General Business under Maitland LEP 1993 to facilitate the establishment of a new town centre."

The rezoning of land within the Thornton North urban release area to facilitate the establishment of a new town centre rather than a local centre is clearly inconsistent with endorsed Council and NSW Government strategic planning policies for the hierarchy of activity centres in the Maitland LGA, the Maitland Urban Settlement Strategy 2001-2021, the Thornton North Structure Plan and the Thornton North Area Plan.

6.0 Draft Maitland Local Environmental Plan 2011

The Draft Maitland LEP 2011 is a new comprehensive city wide LEP which incorporates the standard provisions for zoning, definitions for uses and development using descriptions for residential, commercial and industrial zones as specified under the standard instrument prescribed by the NSW Government.

Figure 6 below shows the Chisholm Local Centre Planning Proposal site is proposed to be zoned B1 Neighbourhood Centre and the existing Thornton Shopping Centre site as well as adjoining Council land is proposed to be zoned B2 Local Centre.



Figure 6: Draft Maitland (Standard Instrument) LEP 2011 – Zoning Map

The objective of the B1 Neighbourhood Centre zone which will apply to the Chisholm rezoning site is as follows:

"To provide a range of small scale retail, business and community uses that serve the needs of people or live or work in the surrounding neighbourhood."

The objectives of the B2 Local Centre zone which will apply to the Thornton Shopping Centre site, are as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To recognise the unique role of the Morpeth Activity Centre as a tourist destination by supporting the integration and inclusion of tourism-related uses."*

It is evident by a comparison of the size of the proposed B1 Neighbourhood Centre zone with the B2 Local Centre zone that the site area of the Chisholm rezoning site is substantially larger than the existing and potential future expansion area for the Thornton Shopping Centre site under Draft Maitland LEP 2011.

This clearly illustrates that the Chisholm Local Centre Planning Proposal in respect to the 3.2 hectare rezoning site within the Thornton North urban release area is excessive in size and it is fundamentally inconsistent with the strategic planning context endorsed by Council and the NSW Government for the Maitland Urban Settlement Strategy 2001-2020, Thornton North



Structure Plan and Area Plan as well as Council's Activity Centres and Employment Clusters Strategy (January 2010).

7.0 Timing for the Rezoning and Potential Development of the Chisholm Local Centre Planning Proposal

Appendix C to this letter is a copy of a Department of Planning (DoP) letter to Freeway Land Company Pty Ltd (undated, received at Council on 10 June 2008) in respect to the Thornton North urban release area which advises that Stage 1 of this release area is to be capped at a maximum of 892 lots pursuant to Clause 55 of the Maitland LEP 1993 in relation to the upgrading of regional transport infrastructure as well as water and sewerage infrastructure for the Thornton North urban release area.

The Maitland Urban Settlement Strategy 2001-2020 acknowledges that:

"A significant constraint to the development of the Thornton North area is the local and regional road infrastructure in the Thornton area, including the intersection of Thornton Road and the New England Highway and crossing of the Hunter Rail Line at Thornton Rail Station. Funding has been allocated by the Federal Government to the construction of a grade-separated interchange at Weakleys Drive and the New England Highway.

The Thornton North urban release area is subject to Clause 55 of the Maitland LEP 1993, in relation to regional transport infrastructure and requires certification from the Director General of the Department of Planning that satisfactory arrangements have been made for contributions to the provision of regional transport infrastructure prior to Council determining development applications for the release area. The impact and timing of these works will have a direct influence on the development and staging of Thornton North as a residential release area."

It follows that the proposed rezoning and potential early development of the Chisholm Local Centre Planning Proposal (particularly on a 3.2 hectare rezoning site which could potentially accommodate a much larger shopping centre than required to serve the convenience daily shopping needs of the future residential population of the Thornton North urban release area), will not be viable with the lot yield capped at 892 maximum lots (ie. 2,500 residential population) until essential local and regional road infrastructure, including the Thornton Railway Bridge is constructed.

In order for the Chisholm Local Centre Planning Proposal to be economically viable it would have to substantially draw on the trade catchment of other activity centres in the Maitland LGA, particularly the Thornton Town Centre, which would undermine Council's endorsed activity centre hierarchy for the Maitland LGA.

8.0 Conclusion

For the reasons outlined in this objection submission on behalf of ROI Pty Ltd, it is the opinion of DFP that Council should not proceed with the Chisholm Local Centre Planning Proposal (Gateway Determination) for the following reasons:

- (a) The 3.2 hectare rezoning site for the Chisholm Local Centre Planning Proposal is too large and, if rezoned to 3(a) General Business, could accommodate a shopping centre substantially larger than the Thornton Town Centre and other existing district shopping centres in the Hunter Region;



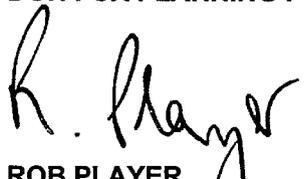
- (b) The Department of Planning Gateway Determination has wrongfully classified the Chisholm Local Centre Planning Proposal as facilitating a new town centre rather than a local centre development to meet the convenience daily shopping needs of the emerging residential population of the Thornton North urban release area.
- (c) The 3.2 hectare site area of the Chisholm rezoning site and its classification as a new town centre within the Thornton North urban release area is clearly inconsistent with endorsed Council and NSW Government strategic planning policies relating to Council's Activity Centres and Employment Clusters Strategy (January 2010) and the Maitland Urban Settlement Strategy 2001-2020 as well as the Thornton North Structure Plan and Area Plan.
- (d) The timing of the proposed rezoning and potential development of the Chisholm Local Centre Planning Proposal is premature given the cap on first stage residential subdivision and development within the Thornton North urban release area to a maximum of 892 lots pending the upgrading of local and regional road infrastructure including the intersection of Thornton Road and the New England Highway and the crossing of the Hunter Railway Line at Thornton Railway Station, as well as the staged provision of water and sewerage infrastructure within the Thornton North urban release area. The Chisholm Local Centre Planning Proposal would not be economically viable and would need to significantly draw on a much wider trade catchment which would undermine the Thornton Town Centre.

It is the opinion of DFP that Council should not support the Chisholm Local Centre Planning Proposal (Gateway Determination) and should invite the proponent to make a fresh rezoning submission for the Chisholm Local Centre Planning Proposal which is substantially scaled back in size to be no greater than 1.0 hectares in site area in recognition that it is intended to function as a local centre to meet the convenience daily shopping needs of the emerging residential population of the Thornton North urban release area.

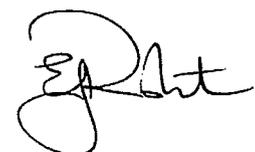
Please do not hesitate to contact Rob Player or Ellen Robertshaw at DFP on 9980 6933 should you any queries or require further information in respect to this matter.

Yours faithfully

DON FOX PLANNING PTY LTD


ROB PLAYER
MANAGING DIRECTOR

rplayer@donfoxplanning.com.au


Reviewed: _____

Att: Appendix A
Appendix B
Appendix C



planning consultants

APPENDIX A



LEYSHON CONSULTING

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14 December, 2009

Mr David Owens
Managing Director
ROI Pty Ltd
PO Box 175
BONDI JUNCTION NSW 1355

Dear Mr Owens

**RE: CENTRES STRATEGY, THORNTON CENTRE and PROPOSED
CHISHOLM LOCAL CENTRE**

I understand that at its meeting on 24th November, 2009 Council adopted a recommendation from staff that a Planning Proposal be forwarded to the Department of Planning under the "Gateway" approval process to rezone land at Thornton North for a local shopping centre. The proposed centre is to be known as the Chisholm Local Centre.

I also understand that Council recently has re-exhibited a revised Draft Activity Centres and Employment Cluster Strategy.

For a number of reasons we consider the Planning Proposal is inconsistent with the recently revised draft Activity Centres and Employment Cluster Strategy (the draft Strategy).

Planning Context

As Council is aware, there have long been plans for some form of local retail centre in the Thornton North release area. For instance, the Thornton North Structure Plan adopted by Council in 2003 made provision for a small group of shops and the like in this area. A more recent study undertaken for Council by consultants Hill PDA (*Maitland Centres Study 2009*) the need for a small convenience retail facility of 2,000-4,000 sq.m. in Thornton North was confirmed.

In the recently released draft Strategy Council has identified the need for a Local Centre in Thornton North (Chisholm). The proposed Chisholm local centre is intended to be subsidiary to the existing Thornton centre which is identified as a Town Centre along with other Town Centres at East Maitland, Rutherford and Lochinvar.

The draft Strategy defines a Local Centre as primarily providing "for the daily needs of a local resident population within a specific catchment located in close proximity". Such

centres are also defined in the draft Strategy as being "characterised by a scale of between four to 12 establishments".

By contrast a Town Centre is defined in the draft Strategy as offering a range of "convenience shopping in comparison retailing, health and professional services and commercial offices." An indicative scale for such centres is identified in the draft Strategy to be one containing between 80 and 150 establishments.

Chisholm Proposal

We note the Planning Proposal recommends the rezoning of some 3.2 hectares in the so-called "Waterford County site" to 3(a) General Business under Maitland Local Environmental Plan 1993. Under this zoning shops/retail premises are permissible without restriction.

The submission put to the Council by officers contained an indicative plan for the site prepared on behalf of the applicant. It indicates a proposed mix of retail, commercial and residential development on the subject site. Our principal concern is that the retail component of the development appears to be anchored by a full-line supermarket of some 3,500 sq.m..

Such a store goes well beyond the concept of convenience retailing as it essentially provides residents with a facility for major weekly food shopping. It also enables the centre to compete with larger centres which contain such stores. Indeed a supermarket of this size is similar to the recently opened Woolworths supermarket at Rutherford which is a Town Centre.

Given that at present the Thornton area is only serviced by a small Bi-Lo supermarket of 2,256 sq.m. in the Thornton shopping centre such a large supermarket would attract shoppers from Thornton North, Thornton and adjacent areas to the west such as Metford. This does not appear to be consistent with the intended role of a proposed Local Centre, however.

If the Chisholm Local Centre is developed to contain a full-line supermarket it would place the existing Thornton Town Centre at a distinct disadvantage. At present, the Thornton Town Centre is limited in terms of its capacity to expand and accommodate a competitive full-line supermarket. In addition the draft Strategy does not envisage any substantial expansion for the Thornton Town Centre.

Such an outcome would be inconsistent with the draft Strategy and its clearly stated intention that the Thornton Town Centre occupy a higher position in the retail hierarchy than the proposed Chisholm Local Centre. Indeed, it would be in conflict with the provisions of the Lower Hunter Regional Strategy which nominates Thornton as a Town Centre.

Planning Implications

Based on our experience with retail development generally, and in terms of the planning of centres in particular, we consider there are some substantial risks associated with applying an unrestricted commercial zoning to such a large area of land.

First, notwithstanding that the applicant has indicated they intend to undertake a mixed use development on the subject site, Council should take into account the possibility that the **entire site** may be developed for retail purposes if the land is rezoned as proposed. Certainly, retailing would be the "highest and best use" of the land if it obtains a 3(a) General Business zoning.

In this regard, Council should be aware there are a number of very substantial shopping centres in the Hunter region (and elsewhere) which have been developed on similar (or even smaller) areas of land. These include:

▶ Muswellbrook Fair	...	2.50 hectares (8,828 sq.m.)
▶ Morisset Square	...	1.16 hectares (10,947 sq.m.)
▶ Raymond Terrace Marketplace	...	2.50 hectares (14,983 sq.m.)
▶ Gowrie St Mall (Singleton)	...	2.75 hectares (11,009 sq.m.).

It should be noted that all of these centres contain at least one full-line supermarket with two centres (Raymond Terrace and Singleton) containing a Big W discount department store and between 10 and 42 specialty shops.

In our opinion if the land in question is rezoned to 3(a) it is possible that a future centre on the Chisholm site could be developed which would be larger than the existing Thornton Town Centre and dominate it in retail terms.

Such an outcome would be inconsistent with the revised draft Strategy which, as previously noted, clearly places the Thornton Town Centre at a higher level of the recommended retail hierarchy for Maitland than the Chisholm Local Centre.

Second, given the limited extent of residential development in Thornton North to date, there is no economic need for a full-line supermarket at the Chisholm Local Centre for the immediate future. Such supermarkets require a catchment population of at least 8,000 persons to be viable. If the proposed Chisholm site were to be rezoned to accommodate a full-line supermarket, and if such a store was developed by 2011, it would only be viable on the basis of attracting shoppers from the existing suburb of Thornton. Clearly, this outcome would be detrimental to the Thornton Town Centre.

Conclusion

Given the above, we consider the Planning Proposal for the Chisholm Local Centre is flawed. There is no apparent need to rezone a site of this magnitude for a convenience retail facility to serve Thornton North. If the development as envisaged by the applicant

proceeds, the Thornton Town Centre will be affected detrimentally by the proposed development.

It is also of critical importance that Council review the decision to rezone such a large area of land for unrestricted retail activity. There is a very real possibility—if the land is rezoned as proposed—that it could be redeveloped for a much larger retail centre than is envisaged or intended by the draft Strategy.

This, in our opinion, underscores the need for the draft Strategy to contain some clear standards concerning the amount of floorspace and anchor tenants which are appropriate for various types of centres in the recommended centre hierarchy rather than leaving it open to interpretation. For example, it would be more useful to all concerned if the draft Strategy contained provisions such as “a local centre shall contain between 2,000 sq.m. and 4,000 sq.m. retail floorspace but will not contain a full-line supermarket (>2,500 sq.m.)”. Similar provisions could be drafted for other types of centres in the hierarchy.

Finally, if Council is now of the view that a larger centre than previously envisaged is appropriate for Chisholm, we consider there is an urgent need to review the planning for the Thornton Town Centre to enable it to expand and effectively compete with a centre anchored by a full-line supermarket in Chisholm.

I trust the above is of assistance. Please contact me on 9224-6111 or pdl@leycon.com.au if any further information can be provided.

Yours sincerely
LEYSHON CONSULTING PTY LTD



PETER LEYSHON
DIRECTOR.



planning consultants

APPENDIX B



Planning



qB136260

10/02140

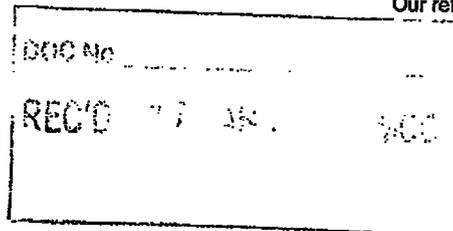
Department Generated Correspondence (Y)

Office of the Director General

Contact: Katrine O'Flaherty
Phone: (02) 4904 2718
Fax: (02) 4904 2701
Email: katrine.o'flaherty@planning.nsw.gov.au
Postal: PO Box 1226 Newcastle NSW 2300

Mr David Evans
General Manager
Maitland City Council
PO Box 220
MAITLAND NSW 2320

Our ref: PP_2009_MAITL_001_00



Dear Mr Evans,

Re: Planning Proposal to rezone land within Thornton North urban release area to 3(a) General Business under Maitland LEP 1993 to facilitate the establishment of a new town centre

I am writing in response to your Council's letter dated 30 November 2009 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ('EP&A Act') in respect of the planning proposal to amend the Maitland Local Environmental Plan 1993 to rezone land within Thornton North urban release area to 3(a) General Business to facilitate the establishment of a new town centre.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

The Gateway Determination requires that the planning proposal be made publicly available for a period of 14 days. Under section 57(2) of the Act I am satisfied that the planning proposal is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Katrine O'Flaherty of the Regional Office of the Department.

Yours sincerely,

Ian Reynolds
A/Director General

22.1.10



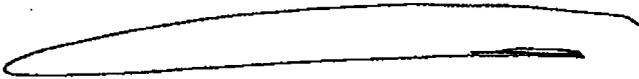
Gateway Determination

Planning Proposal (Department Ref: PP_2009_MAITL_001_00): To rezone land within Thornton North urban release area (Lot 122 DP 1108020) to 3(a) General Business under Maitland LEP 1993 to facilitate the establishment of a new town centre.

I, the A/Director General as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Maitland Local Environmental Plan 1993 to rezone land within Thornton North urban release area (Lot 122 DP 1108020) to 3(a) General Business under Maitland LEP 1993 to facilitate the establishment of a new town centre should proceed, subject to the following conditions:

1. 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).
2. No consultation is required with State or Commonwealth public authorities under section 56(2)(d) of the EP&A Act.
3. No public hearing is to be held into the matter under section 56(2)(e) of the EP&A Act.
4. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Dated 22nd day of January 2010.


Ian Reynolds
A/Director General
Delegate for the Minister for Planning



planning consultants

APPENDIX C



NSW GOVERNMENT
Department of Planning

Contact: Gary Freeland
Phone: 4904 2700
Fax: 4904 2701
Email: gary.freeland@planning.nsw.gov.au

RECEIVED
11 0 JUN 2008

Our ref: NEW0000370/4

Freeway Land Company P/L
PO Box 42
Thornton NSW 2322

BY:

Dear Sir or Madam

Subject: Thornton North Urban Release Area

I am writing to you as a land owner within Stage 1 of the Thornton North Urban Release Area.

Please be advised that the Director-General of the Department of Planning has advised Maitland City Council that satisfactory arrangements have been made for the provision of regional transport infrastructure for certain lands within Stage 1 of the release area. The lands to which this decision applies and the maximum amount of lots that may be released are contained in the following table. Council is unable to approve any further lots at this time.

Land Description	Ownership Details	No of Lots to which Satisfactory Arrangements apply
Lot 2 DP 788219	Thornton Development Corp P/L	28
Lot 1 DP 783438, Lot 1 DP 1090329, Lot 4 DP 783438, Lot 51 DP 1071282	Clarendon Residential Estates P/L	230
Lot 14 DP 1062707	J Grbin & V Valaire	67
Lot 20 DP 10419	AV Randell	63
Lot 8881 DP 776757	Redpee P/L	38
Lot 310 DP 839568	Freeway Land Company P/L et al	58
Lot 1 DP 851737	Stannic Securities P/L	36
Lot 1 DP 1020837, Lots 121 & 122 DP 1108020	Maitland Nominee Holdings P/L	352
Lot 311 DP 839568	V & CJ Ruban	20
Total		892

If you have any enquiries regarding any of the above please contact me on 4904 2700.

Yours sincerely

Gary Freeland

Gary Freeland
Team Leader
Hunter and Central Coast Region

Price Waterhouse Coopers Centre
Level 2, 26 Honeysuckle Drive, NEWCASTLE NSW 2300
PO Box 1226, NEWCASTLE NSW 2300
Ph: 4904 2700 Fax: 4904 2701

Greenhill
→

Appendix SIX
Council Report and Resolution

11 May 2010

10.6 AMENDMENT TO MAITLAND LEP 1993 - CHISHOLM LOCAL CENTRE - ADOPTION

File No: RZ09/004

Attachments:

1. Submissions
2. Proponent Response
3. Revised Planning Proposal

Responsible Officer: Leanne Harris - Group Manager Service Planning and Regulation
Monica Gibson - Manager City Strategy

Author: April McCabe - Strategic Project Planner

EXECUTIVE SUMMARY

The Department of Planning determined the planning proposal for the creation of a new local centre at Chisholm through the gateway process and approved it for consultation as notified by letter dated 22 January 2010. Consultation on the draft amendment to the Maitland LEP 1993 was conducted for 14 days, as required by the gateway determination, was held from Monday 8 March and concluded on Monday 22 March 2010.

The relevant documentation was made available on Council's website and at the Maitland and Thornton Branch Library as well as Council's Administration Building. Notice of the exhibition period was providing in the local newspaper and on Council's website. Adjoining property owners were notified via letter as well as R.O.I Pty Ltd (owners of Thornton Shopping Centre) who were notified as significant interest had been previously expressed to Council in relation to the planning proposal for the Chisholm Local Centre.

One (1) submission was received by Council which identified three (3) key issues. In finalising the LEP amendment to facilitate the creation of a new local centre, Council has considered the submission received. To progress the rezoning of this site and to reinforce the scale and role of Chisholm as a local centre, it is proposed that:

- *The area zoned for commercial be reduced to 2.5ha;*
- *A 0.5:1 floor space ratio be applied to the commercial zoned area; and*
- *DCP provisions and design guidelines be prepared to ensure quality planning and design outcomes for the Chisholm Local Centre site.*

OFFICER'S RECOMMENDATION**THAT**

1. **In accordance with s.58 of the *Environmental Planning and Assessment Act 1979*, Council vary the planning proposal for the Chisholm Local Centre to include the proposed FSR provisions and reduced commercial area and resubmit the planning proposal for approval by the Department of Planning; and**
 2. **Following a revised gateway approval and in accordance with section 59 of the *Environmental Planning and Assessment Act 1979*, Council submit, to**
-

the Department of Planning, the final proposal to amend the Maitland LEP 1993 for the creation of a new local centre at Chisholm; and

3. In accordance with s74C of the *Environmental Planning and Assessment Act 1979*, amendments to the Maitland Citywide Development Control Plan be prepared to incorporate design guidelines for the Chisholm Local Centre.

COUNCIL RESOLUTION

THAT

1. In accordance with s.58 of the *Environmental Planning and Assessment Act 1979*, Council vary the planning proposal for the Chisholm Local Centre to include the proposed FSR provisions and reduced commercial area and resubmit the planning proposal for approval by the Department of Planning; and
2. Following a revised gateway approval and in accordance with section 59 of the *Environmental Planning and Assessment Act 1979*, Council submit, to the Department of Planning, the final proposal to amend the Maitland LEP 1993 for the creation of a new local centre at Chisholm; and
3. In accordance with s74C of the *Environmental Planning and Assessment Act 1979*, amendments to the Maitland Citywide Development Control Plan be prepared to incorporate design guidelines for the Chisholm Local Centre.

Moved Clr Procter, Seconded Clr Humphery

CARRIED

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

The division resulted in 8 for and 4 against, as follows:

For:	Clr Blackmore	Against:	Clr Fairweather
	Clr Casey		Clr Geoghegan
	Clr Garnham		Clr Mudd
	Clr Humphery		Clr Penfold
	Clr Meskauskas		
	Clr Procter		
	Clr Tierney		
	Clr Wethered		

10.6 AMENDMENT TO MAITLAND LEP 1993 - CHISHOLM LOCAL CENTRE - ADOPTION

File No: RZ09/004

Attachments:

1. Submissions
2. Proponent Response
3. Revised Planning Proposal

Responsible Officer: Leanne Harris - Group Manager Service Planning and Regulation
Monica Gibson - Manager City Strategy

Author: April McCabe - Strategic Project Planner

EXECUTIVE SUMMARY

The Department of Planning determined the planning proposal for the creation of a new local centre at Chisholm through the gateway process and approved it for consultation as notified by letter dated 22 January 2010. Consultation on the draft amendment to the Maitland LEP 1993 was conducted for 14 days, as required by the gateway determination, was held from Monday 8 March and concluded on Monday 22 March 2010.

The relevant documentation was made available on Council's website and at the Maitland and Thornton Branch Library as well as Council's Administration Building. Notice of the exhibition period was providing in the local newspaper and on Council's website. Adjoining property owners were notified via letter as well as R.O.I Pty Ltd (owners of Thornton Shopping Centre) who were notified as significant interest had been previously expressed to Council in relation to the planning proposal for the Chisholm Local Centre.

One (1) submission was received by Council which identified three (3) key issues. In finalising the LEP amendment to facilitate the creation of a new local centre, Council has considered the submission received. To progress the rezoning of this site and to reinforce the scale and role of Chisholm as a local centre, it is proposed that:

- *The area zoned for commercial be reduced to 2.5ha;*
- *A 0.5:1 floor space ratio be applied to the commercial zoned area; and*
- *DCP provisions and design guidelines be prepared to ensure quality planning and design outcomes for the Chisholm Local Centre site.*

OFFICER'S RECOMMENDATION**THAT**

1. **In accordance with s.58 of the *Environmental Planning and Assessment Act 1979*, Council vary the planning proposal for the Chisholm Local Centre to include the proposed FSR provisions and reduced commercial area and resubmit the planning proposal for approval by the Department of Planning; and**
 2. **Following a revised gateway approval and in accordance with section 59 of the *Environmental Planning and Assessment Act 1979*, Council submit, to**
-

AMENDMENT TO MAITLAND LEP 1993 - CHISHOLM LOCAL CENTRE - ADOPTION (Cont.)

the Department of Planning, the final proposal to amend the Maitland LEP 1993 for the creation of a new local centre at Chisholm; and

- 3. In accordance with s74C of the *Environmental Planning and Assessment Act 1979*, amendments to the Maitland Citywide Development Control Plan be prepared to incorporate design guidelines for the Chisholm Local Centre.**

REPORT

The purpose of this report is to:

- Outline the process of consultation;
- Provide a summary of issues raised through consultation; and
- Recommend the appropriate zoning outcome for this proposal.

Background

At the 24 November 2009 meeting, Council endorsed a planning proposal to be submitted to the Department of Planning for their consideration through the gateway planning process. The planning proposal recommended the progression of a draft amendment to Maitland LEP 1993 to facilitate the creation of a new local centre at Chisholm to support the growing residential community of Thornton North.

The Department of Planning determined the planning proposal through the gateway process and approved it for consultation as notified by letter dated 22 January 2010. The gateway determination noted that the planning proposal submitted was in a form that was suitable for community consultation and that it specifically required Council:

- to publicly exhibit the planning proposal for a period of 14 days;
- that no consultation was required with State or Commonwealth public authorities; and
- that the amending LEP be finalised within 6 months of the date of the determination.

Policy Context

The creation of a new local centre at Chisholm is supported by an established policy framework.

The **Thornton North Structure Plan** was adopted by Council in December 2003 and subsequently endorsed by the Dept of Planning. The structure plan provides a clear vision for the creation of a new residential neighbourhood and states that *“Thornton North is envisaged as a local community in harmony with its rural surrounds; a place with its own identity that is attractive to be in, and from surrounding areas”* (p.12)

This vision also outlines the need for a new centre to support the significant residential development. This states that *“at the core will be a new local centre with local shops, a primary school and perhaps a community centre. Linking the site to*

AMENDMENT TO MAITLAND LEP 1993 - CHISHOLM LOCAL CENTRE - ADOPTION (Cont.)

this centre will be a wide avenue lined with trees, forming a memorable feature and allowing extensive views to the rural surrounds” (pg 12)

The preparation of the structure plan considered the impact of increased population to determine the need for additional community services and identified a range of facilities needed to support residential development, including a small group of shops and professional consulting rooms.

To implement this, the structure plan identified as a key feature the creation of a central village. It is envisaged that the local centre will *“consist of a small group of local shops and possibly a community centre with a pre-school / child care centre [and that it] has been centrally located along the main entrance avenue to encourage viability, vitality and close proximity to the majority of residents”*

The **Thornton North Area Plan** was prepared and adopted by Council in February 2008. This document provides detailed development controls which implement the principles and policies outlined in the Structure Plan. Within the Thornton North Area Plan, the provision of a future centre is identified as a ‘Key Development Site’ within the Waterford County Precinct (pg. 24). The objectives for this site are to:

- Incorporate a future local centre that provides a range of shopping and community support facilities and activities commensurate with its role in a hierarchy of centres across the Maitland LGA;
- Create a transport hub at the local centre, by providing good connectivity to the centre for pedestrians, cyclists and public transport ; and
- Create a critical mass of residential dwellings close to or within the centre to provide out of hours activity.

The **Activity Centres and Employment Clusters Strategy** was adopted by Council in January 2010, providing a framework to guide the future growth and prosperity of Maitland’s centres and employment lands for the next 20 years. The strategy aims to create high quality places, strengthen existing activity centres and employment clusters and cater for growth of centres and clusters to provide a range of facilities, services and activities to serve the needs of the Maitland community.

The strategy is based on a network and hierarchy framework which supports the key objectives of the Department of Planning’s state-wide draft centres strategy and also provides a clear definition as to the vision, role and function of activity centres and employment clusters. The definition of a network (the spatial pattern of provision) and hierarchy (the role and relationship) ensure growth considers the overall network and how they interrelate.

The strategy outlines a vision for the Chisholm Local Centre as being:

“Located within one of Maitland’s newest residential neighborhoods’, the provision of a local centre at Chisholm is critical to the creation of a more sustainable community. The Chisholm Local Centre will provide for the convenience needs of the surrounding residents and rural areas in the north-east of the LGA.

The central location will enhance accessibility with connections to public transport, provision of an adequate road network supported by safe, pleasant pedestrian and cycleway links. Creating a place that residents can connect with and form a strong identity with is essential to ensuring Chisholm grows into a viable local centre supporting a vibrant new community”.

AMENDMENT TO MAITLAND LEP 1993 - CHISHOLM LOCAL CENTRE - ADOPTION (Cont.)

Facilitating the development of a local centre at Chisholm aims to implement Council's policy framework for this urban release area and provide a range of convenience retail activities to cater for the 'everyday' needs of the surrounding residential neighbourhood. The scale, role and function of the Chisholm local centre will support the higher order Town Centre at Thornton and provide a well-designed, walkable and convenient activity centre for the new residents of Thornton North to create a strong community focal point.

In April 2010, the Department of Planning released the report '**Promoting Economic Growth and Competition through the Planning System**'. The task of this review was to "*provide specific recommendations that would assist in improving opportunities for economic growth and to ensure that the planning process does not unreasonably restrict competition by creating barriers*" for new entrants into the market.

On 19 April 2010, the Minister for Planning, The Hon Tony Kelly MLC announced that recommendations to "increase competition and lower prices for consumers will be implemented". This includes recommendations such as:

- A Competition State Environmental Planning Policy (SEPP) be developed to clarify that competition between individual businesses is not in itself a relevant planning consideration;
- Any restriction on the number of a particular type of retail store or any proximity restriction contained in a LEP or DCP is invalid; and
- Considering ways to increase opportunities for competition by allowing more types of shops into centres that currently only permit 'neighbourhood shops';

Consultation

Consultation on the draft amendment was conducted for 14 days, as required by the gateway determination and was held from Monday 8 March to Monday 22 March 2010. Notice of the exhibition period was provided in the local newspaper and on Council's website. In addition, adjoining property owners were notified via letter. R.O.I Pty Ltd, owners of Thornton Shopping Centre, were notified as a significant interested had been previously expressed to Council in relation to the planning proposal for the Chisholm Local Centre.

The approved planning proposal and relevant supplementary information was made available electronically on Council's website and paper copies at the Thornton and Central Maitland Branch Libraries as well as Council's Administration building.

One (1) submission was received during the consultation period. The submission was supported by a supplementary report from an economic planning consultant. The submission and supplement are included as Attachment 1 to this report.

The proponent has provided a response to the issues raised in the submission, which is included as Attachment 2.

There were no other enquires made about the draft planning proposal.

AMENDMENT TO MAITLAND LEP 1993 - CHISHOLM LOCAL CENTRE - ADOPTION (Cont.)

A summary of key issues raised in the submission and Council's response are provided below.

Summary of Submission and Response

One (1) submission was received by Council from Don Fox Planning on behalf of R.O.I Pty Ltd with supplementary information prepared by Leyshon Consulting. The following are the key issues outlined in the submission:

- 1. Total land area to facilitate the creation of a new local centre is excessive. The land area identified for rezoning to 3(a) General Business is significantly larger than that of Thornton Town Centre and could potentially accommodate development of a shopping centre more typical in scale and function with a town centre such as Thornton, Raymond Terrace Marketplace, Gowrie Street Mall, Singleton, Muswellbrook Fair and Morisset Square. If this was to occur, it would be inconsistent with Council's strategy.*

Activity centres are more than just places for commercial and retail activity. They are places where people go to socialise, access services and community facilities, to shop and to work. They provide opportunities for residents, workers and visitors to actively participate in community life and enjoy the lifestyle that the Maitland LGA has to offer.

The Chisholm Local Centre site is being developed within a new urban release area and unlike those building within existing centres, has the advantage of minimal physical constraints. This enables the local centre to be planned and designed in such a way that reflects the spaciousness desired by the community and required by Council's established planning framework for this urban release area.

The submission provides a comparison of the total land area proposed for the Chisholm Local Centre to other larger centres (as identified above) within the wider region. However the comparison does not acknowledge the specific planning and property conditions and constraints that apply to each centre and that all the alternative centres identified have developed within an existing town centre setting where alternative built form solutions, such as taller buildings and denser development outcomes, are required.

In addition, the comparison of total land area and the potential retail floorspace has not taken into consideration the car parking, traffic infrastructure landscaping and public space requirements and the proposed mix of land uses and activities to be accommodated within the identified site at Chisholm.

- 2. The Gateway Determination notice issued from the Department of Planning incorrectly describes the planning proposal as being to "facilitate the creation of a new town centre" at Chisholm.*

The new activity centre at Chisholm has in all documentation been categorised as a local centre and as detailed in the planning proposal, the Maitland LEP 1993 zoning outcome to facilitate the new local centre is a 3(a) General Business zone.

Council officers have spoken to the Department in regards to this drafting matter and have been advised that the description as stated on the gateway determination

AMENDMENT TO MAITLAND LEP 1993 - CHISHOLM LOCAL CENTRE - ADOPTION (Cont.)

notice does not affect the validity of the determination and the progression of the planning proposal.

- 3. The timing for the rezoning and potential development of the Chisholm Local Centre is premature given the early stage of residential subdivision and development in Thornton North and the imposed cap of residential lots in relative to the provision of necessary infrastructure.*

To date, land accommodating a total of 2,500 lots has been rezoned as a part of the stage 1 release of the Thornton North urban release area, with further LEP amendments currently progressing. Throughout the preparation of the Thornton North planning framework, the need for a new local centre to support the increased residential population of the Thornton North urban release area is clearly established. The role of the Chisholm Local Centre relative to the Thornton Town Centre has remained constant.

The approval of residential subdivisions in the Thornton North urban release area is subject to the provision of infrastructure and plans are in place to ensure the required delivery of local and regional infrastructure to service the site.

Council and other infrastructure providers are continuing to progress the development of this urban release area through the:

- Investment of \$20 million by Hunter Water in water, sewer and recycled water infrastructure specifically to service the area; and
- The completion of regional transport infrastructure such as the Weakleys Drive intersection.

The rezoning of land for the purpose of a new local centre, which is required to service the eventual population of this urban release area, is not considered premature, rather it is a proactive step towards the logical implementation of the Thornton North Structure Plan and the vision of Council's adopted land use strategies.

Proposed variations to Planning Proposal

There is strong policy and strategic support for the Chisholm Local Centre to provide a mix of commercial, residential, community activities within an accessible and vibrant activity centre. In consideration of the issues identified and the desired outcome for this activity centre, it is proposed that two (2) variations to the planning proposal be made prior to its finalisation.

- 1. It is recommended that the area to be zoned 3(a) General Business for the proposed Chisholm Local Centre be reduced from 3.2ha to 2.5ha.*

This size reduction is proposed to ensure that a suitable area for the commercial uses of the activity centre can be provided, with community and residential outcomes to occur within the existing residential zone. Amendments to the Thornton North Area Plan within the Maitland Citywide DCP can be prepared to ensure that the policy and design outcomes of the Chisholm Local Centre can be addressed.

- 2. It is recommended that a 0.5:1 floor space ratio (FSR), specific only to the Chisholm Local Centre be applied to the area zoned 3(a) General Business.*

AMENDMENT TO MAITLAND LEP 1993 - CHISHOLM LOCAL CENTRE - ADOPTION (Cont.)

Clause 22 of the Maitland LEP 1993 sets out the FSR for commercially zoned land in Maitland. Land that is zoned 3(a) General Business has a 2:1 FSR. It is proposed to establish a reduced FSR for the Chisholm Local Centre to respond to the spacious character of the area and to ensure that the scale of this activity centre reflects its role as a local centre within the Maitland LGA.

Progression of Planning Proposal

If the recommended variations are adopted by Council, the Chisholm planning proposal would need to be revised and be resubmitted to the Department of Planning under s.58 of the EP&A Act 1979 for approval and continuation through the gateway process. A revised planning proposal is attached to this report (Attachment 3), with revisions marked in underlined text.

Once the revised approval is gained, Council officers will forward the final planning proposal to the Department of Planning for the drafting of the legislation. The legislation will then be sent for approval of the Minister for Planning to amend the Maitland LEP 1993 for the creation of a new local centre at Chisholm.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

This amendment to Maitland LEP 1993 continues the implementation of the Thornton North Structure Plan and is consistent with the desired role of the Chisholm Local Centre within Council's adopted Activity Centres and Employment Clusters Strategy. Therefore this matter supports the implementation of the established planning policy for the Thornton North Urban Release Area.

STATUTORY IMPLICATIONS

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

This report recommends an approach that is consistent with the Environmental Planning and Assessment Act 1979.

CONCLUSION

The provision of a local centre in this location will provide a range of convenience retail activities to cater for the 'everyday' needs of the growing residential neighbourhood of Thornton North and to provide a community focal point. The mix of uses and activities reflects Council's stated desired future outcome for this new centre as outlined in the Activity Centres and Employment Clusters Strategy.

The anticipated planning and design outcomes for the site can continue to be achieved with the recommended variations to the planning proposal. Together with new DCP provisions and design guidelines, a mix of activities will be supported and encouraged within a vibrant, well-designed and accessible local centre, supporting the new residents of Chisholm and providing future opportunities for the location of small business enterprises and economic growth.

AMENDMENT TO MAITLAND LEP 1993 - CHISHOLM LOCAL CENTRE - ADOPTION (Cont.)

The preparation and approval of this amendment to Maitland LEP 1993 is the next stage of rezoning for the Thornton North urban release area and is critical to implementing the aims of the Thornton North Structure Plan and ensure the sustainable development of this urban release area.

Appendix SEVEN

Extracts from:

Thornton North Structure Plan *(Dec 2003)*;

Thornton North Area Plan *(Feb 2006)*

and

Activity Centres and Employment Clusters Strategy *(Jan 2010)*



Thornton North Master Plan

Volume 1 Master Plan



Council Resolution

Council Meeting, 9 December 2003 Thornton North Master Plan – Item 10.3.3

THAT:

1. That the Thornton North Master Plan as amended, be adopted
2. Council seek formal endorsement of the Master Plan from the Department of Infrastructure Planning and Natural Resources.
3. Council advise the RTA that issues relating to the standard of state road infrastructure and the level of contributions deemed appropriate by the development within the Master Plan area will be determined as a component of a Developer Contributions Plan for the Thornton North area.
4. The Maitland Urban Settlement Strategy continue to show land to the north and west of Timberlane Estate and land to the north of Somerset Park (east of Government Rd) as Category 1 investigation areas.
5. To facilitate commencement of development in the locality, Council accept rezoning applications in the Category 1 areas, noting that such rezoning applications will be finalised concurrently with the adoption of a Developer Contributions Plan for the Thornton North study area.
6. A further report be submitted to Council by March 2004 which provides a review of the status of properties to the west of Government Road as potential Category 1 investigation areas on the basis that there has been resolution of the future of clay extraction on Lot 20 DP 10419, Raymond Terrace Road. If the future of clay extraction on Lot 20 is resolved in the interim, the status of the properties will be the subject of a separate report to Council.
7. Those persons and authorities who made submissions be formally acknowledged for their contribution and advised of the Council's decision.
8. The large lot buffer on the northern and western boundaries of Timberlane be amended to increase the size of lots immediately adjoining Timberlane to a minimum of 1500 m². The remainder of the buffer is to be set aside for medium lots and all lots are to be subject to appropriate design controls in a DCP, in consultation with the community, to limit the visual impact of new development.

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of printing, Maitland City Council and its employees disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole of any part of this document.

Introduction

The Thornton North area represents a unique opportunity for a new community in the Lower Hunter. It is one of few remaining urban release areas with urban development potential in the east of Maitland Council's area.

Maitland City Council engaged Parsons Brinckerhoff (PB) to prepare a Master Plan for Thornton North that optimises this scarce land resource, whilst ensuring protection of the natural environment and lifestyle of local residents.

The Master Plan provides a broad framework for potential development in the Thornton North area which will act as a guide for future investigations and decisions by Council and the community. Maitland Council is committed to creating a new community that is well planned from the outset.

The primary focus of the Master Plan is the relationship between existing and future land uses. Its objective is to ensure that any growth takes place in a co-ordinated and sustainable

manner in consultation with the local community.

This document forms Volume 1 of three volumes. Volume 2 provides greater detail and background information on the planning framework, natural environment, consultation activities, urban design issues and heritage. Volume 3 provides a detailed traffic impact assessment.



A future Thornton North; a new community

As part of the Master pPlan investigations, consultation was undertaken with the National Parks and Wildlife Service and Mindaribba Local Aboriginal Land Council. Outcomes have included retention of a continuous corridor of cultural landscape types within the planned open space network. These include bushland, creeks, knolls, and wetlands. More detailed investigations will be needed as part of any future rezonings and detailed design.

Two corridors have been identified that linked ridge lines to wetlands (refer open space plan) as well as a knoll (identified as likely to have significance) on the western edge.

There are no known sites or potential areas in the study area of Thornton North that have value in terms of non-indigenous or European heritage. The visual impact of further development at Thornton North on historic Morpeth and its approaches has been addressed in the Master Plan. The

role and function of the Metford Brickworks which has been in operation for more than 100 years has also been considered.

Master Plan Implications

- a range of Aboriginal cultural landscapes have been protected within the planned open space system in consultation with the NPWS and Mindaribba LALC
- ongoing consultation is recommended with these groups throughout future development
- visual impacts to Morpeth will be minimised by trees kept along approach roads and green corridors to break-up urban views.

Community Services

In developing a Master Plan for the study area, consideration has been given to the impact of increased population to determine the need for additional community services. The range of facilities which

residential development at Thornton North might need would include open space (passive and active), primary school, professional consulting rooms, aged/disability centre, community centre/ hall, childcare centre/preschool, library, fire brigade, police, ambulance, community health centre and a small group of shops.

Master Plan Implications

A local centre that includes shops and a primary school has been indicated on the Master Plan. This has been centrally located along the main entrance avenue to encourage viability, vitality and close proximity to the majority of residents. A potential site for a second independent school has also been shown, due to a possible need for this type of facility being identified.

Developing a Vision for Thornton North

Sustainable Development

The Master Plan has been designed using principles of sustainable development. There is a focus on walking, cycling and public transport opportunities such as increasing patronage of Metford Station and considering local bus routes. A range of housing and land sizes will also encourage population diversity and greater affordability.

A sustainable community can be defined as one that:

- meets residents and visitors social needs; and

- ensures that the environment can support these needs both now and in future.

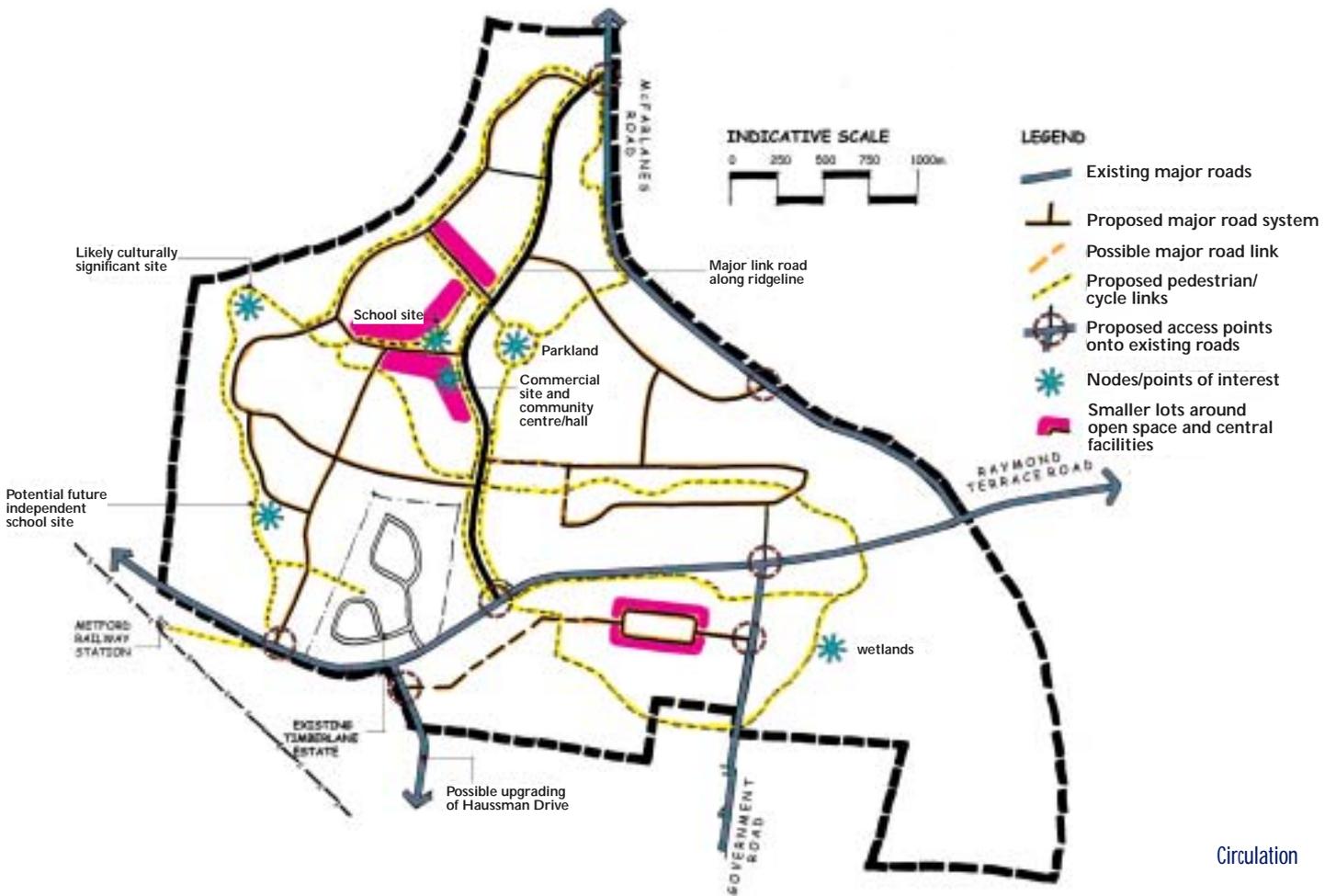
To achieve sustainable development, new urban areas should be located near existing or planned urban centres and near services like shops, railway lines, water and sewerage services. Several local scale benefits of sustainable development can be achieved through appropriate planning such as the new Master Plan.

These include:

- residents saving time and money;
- a sustainable community instead of urban sprawl;
- cheaper government services;
- a better sense of community;
- less need to use cars and more opportunities to walk and cycle;
- protection of land with environmental assets (habitat and water catchment areas); and
- land preserved for economic purposes (extractive industries, prime agricultural, tourist sites).



Emphasis on walking and cycling, integrated with green corridors



If noised attenuation measures are necessary, mounding should be used in preference to wall structures.

Central Entrance Avenue

A central, main roadway has been designed to provide prominent trees on the central ridge of the

site. This will provide an attractive entrance avenue with trees in the central median and along the verges at this highpoint. An example of such an avenue is shown in Figure B.

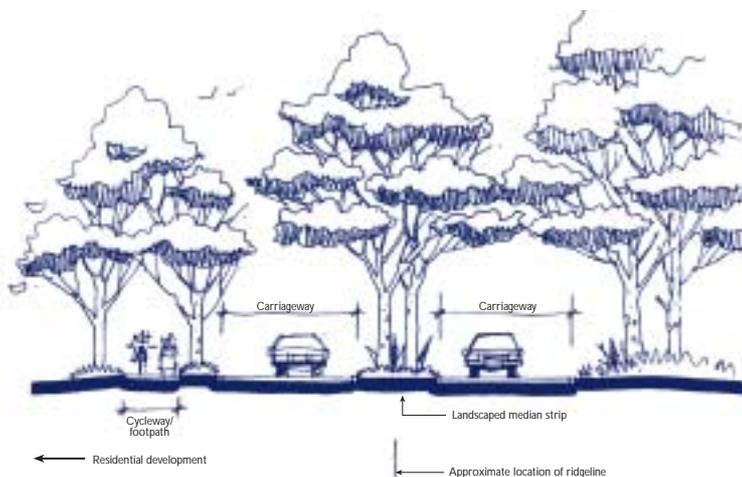


Figure B. Central avenue located on ridgeline

Key Features

Other features of the Master Plan are:

- **Central Village** – consisting of a small group of local shops and possibly a community centre with a pre-school / child care centre.
- **Primary School** – located as part of the central village; will allow for most children to walk/cycle to school.
- **Rural Character** – will be achieved by retaining views to the surrounding floodplain and trees along major roadways, and separating residential areas with green corridors.
- **Small to Medium Lots** – concentrated around the village centre to maximise the number of people who can walk/cycle to shops. Another area concentrated around a park south of Raymond Terrace Road will have direct access to open space.

MAITLAND

CITYWIDE DEVELOPMENT CONTROL PLAN

THORNTON NORTH AREA PLAN

This chapter comprises part of the Maitland City Wide Development Control Plan and has been prepared in accordance with the provisions of the Environmental Planning and Assessment Act 1979. This chapter is to be read in conjunction with the whole document.

This chapter was adopted 26 February 2008 to be included in the City Wide Development Control Plan, and amended on 30 October 2008 to include the Government Rd Precinct Plan.

TABLE OF CONTENTS

1	PRELIMINARY	4
1.1	Introduction.....	4
1.2	Subject land.....	4
1.3	Commencement	4
1.4	Purpose of the Area Plan.....	4
1.5	Relationship with other Plans	4
1.6	Format of Area Plan.....	4
	PART A- THORNTON NORTH URBAN RELEASE AREA.....	6
2	AREA-WIDE DEVELOPMENT OBJECTIVES AND REQUIREMENTS.....	6
2.1	Desired Future Outcomes.....	6
2.2	Staging Plan	6
2.3	Traffic, Road Design, Pedestrian/Cycleway Networks.....	7
2.4	Subdivision Design	8
2.5	Building Form	10
2.6	Provision of Essential Infrastructure	12
2.7	Visual and Scenic Amenity	12
2.8	Water Cycle Management and Sediment and Erosion Control.....	13
2.9	Water Sensitive Urban Design.....	14
2.10	Flooding.....	16
2.11	Landscaping, Streetscape and Open Space Areas	16
2.12	Bushfire Protection	18
2.13	Salinity, Acid Sulfate Soils and Contamination	18
2.14	Noise, Vibration and Dust.....	19
2.15	Land zoned 7(c) Environmental Protection General	19
2.16	Flood fringe rural allotments	20
2.17	Heritage	20
2.18	Key Development Sites	21
	PART B – PRECINCT PLANS	22
3	GENERAL PRINCIPLES FOR PRECINCT PLANS.....	22
3.1	Purpose of Precinct Plans	22
3.2	Matters for Consideration in Precinct Plans.....	22
4	WATERFORD COUNTY PRECINCT PLAN	23
4.1	Precinct Plan	23
4.2	Subdivision design.....	23
4.3	Key development sites – Future Village Centre.....	24
4.4	Key Development Sites – Timberland edge.....	24
4.5	Key Development Sites – Rural land/ flood fringe interface.....	25
5	GOVERNMENT ROAD PRECINCT PLAN.....	26
5.1	Precinct Plan.....	26

5.2	Subdivision Design.....	26
5.3	Stormwater Management.....	27
5.4	Key Development Sites-Crn Raymond Terrace Rd & Government Rd.	27
5.5	Key Development Site - Rural Land Flood Fringe Interface.....	28

2.18 Key Development Sites

Objectives	Requirements
<ul style="list-style-type: none">To ensure that key development sites are properly planned for within Precinct Plans	<ul style="list-style-type: none">The following sites shall be included in the relevant Precinct Plans, including concept designs and site plans:<ul style="list-style-type: none">Commercial/shopping area and parkingSchools, libraries, community facilities and associated parkingTimberlane surroundsClay conservation areas, existing quarry sites and buffersGateway sitesExhibition villagesResidential areas adjoining the flood fringe

Part B – Precinct Plans

3 General Principles for Precinct Plans

3.1 Purpose of Precinct Plans

The Thornton North Urban Release Area is characterised by a number of precincts or catchments due to site constraints, infrastructure provisions, existing development and land ownership.

Precinct Plans must be consistent with the Thornton North Structure Plan and will be prepared by developer's and/or land owners, to the satisfaction of Council, and adopted by Council for inclusion within this Area Plan that forms part of the City Wide DCP.

Precinct Plans must be adopted by Council prior to determination of any development application for residential subdivision of land. The Precinct Plans shall be consistent with, and relate to land areas included within specific stages as shown in the adopted Staging Plan in *Section 2.2*.

The precincts and staging of development are closely linked to the requirements of Council's Thornton North Section 94 Contributions Plan, and other major infrastructure providers such as Hunter Water Corporation in respect to water, sewer and recycled wastewater.

3.2 Matters for Consideration in Precinct Plans

In addition to any site specific issues, all Precinct Plans must include the following:

- the boundaries of each precinct, the geographical location and physical characteristics of the land in that precinct, together with identifying coordinated and logical connections to adjoining precincts and stages,
- the subdivision stages of development within each precinct,
- details of essential infrastructure provision to service the area,
- a transport movement hierarchy showing the major circulation routes and connections to achieve a simple and logical movement system for vehicles, public transport, pedestrians and cyclists, incorporating shared off-road footpath/cycle paths
- a landscaping concept plan for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and typical landscaping requirements for both the public domain and private land, particularly adjacent to the major roads and intersections, including the perimeter road adjacent to the flood prone lands to the north and west,
- the general location of potential stormwater and water quality and quantity management controls and devices,
- amelioration measures to protect future residential development from fumes, vibration and noise generated by traffic and rail movements in accordance with the relevant Roads and Traffic Authority and New South Wales EPA Standards,
- amelioration measures for natural and environmental hazards, including bushfire, flooding and any archaeological or site contamination constraints,

- buffer areas and protection to the existing quarry activities
- identification of any significant development sites within the precinct that require urban design controls, including any medium density sites, public open space, schools or community facilities, shops and commercial areas, including provisions for appropriate traffic management facilities and car parking,
- details of planning measures to protect any areas of scenic value and significant vegetation
- the estimated dwelling density or lot yields for each precinct
- background studies, reports, site surveys and investigations

4 Waterford County Precinct Plan

4.1 Precinct Plan

This Precinct Plan applies to land shown in **Figure 6**.

The Precinct Plan and the following development objectives and requirements are to be read in conjunction with Part A. All development in the Waterford County Precinct is to comply with this Precinct Plan and the provisions of Part A.

All development is subject to appropriate zoning controls and the provisions of the Maitland Local Environmental Plan 1993.

4.2 Subdivision design

Objectives	Requirements
<ul style="list-style-type: none"> • To ensure that subdivision provides a safe and positive character, enhances accessibility, minimises visual impacts, compliments the surrounding area, and promotes the principles of ecologically sustainable development. • To create a subdivision pattern that reinforces the desired character and setting of Waterford County and ensures the retention of existing significant viable vegetation and trees. • To design a layout that connects with other Precincts, in accordance with the Figure 3. • To locate land uses in locations that are generally consistent with the Thornton North Structure Plan and Council policies. • To create lot and landscape buffers to the precinct edges where it abuts 	<ul style="list-style-type: none"> • The layout, hierarchy and design of major streets within the Precinct will be generally consistent with Figure 6. • Pedestrian, cycleways and shared off-road pathways are to be provided within the Precinct to link the Village Centre, open spaces, schools and recreational facilities. • Medium density and small lot housing is to be provided in location with high amenity, including areas within 400 metres of the Future Village Centre. • Childcare centres and exhibition villages are to be sited in accordance with the provisions of the Maitland Citywide DCP.

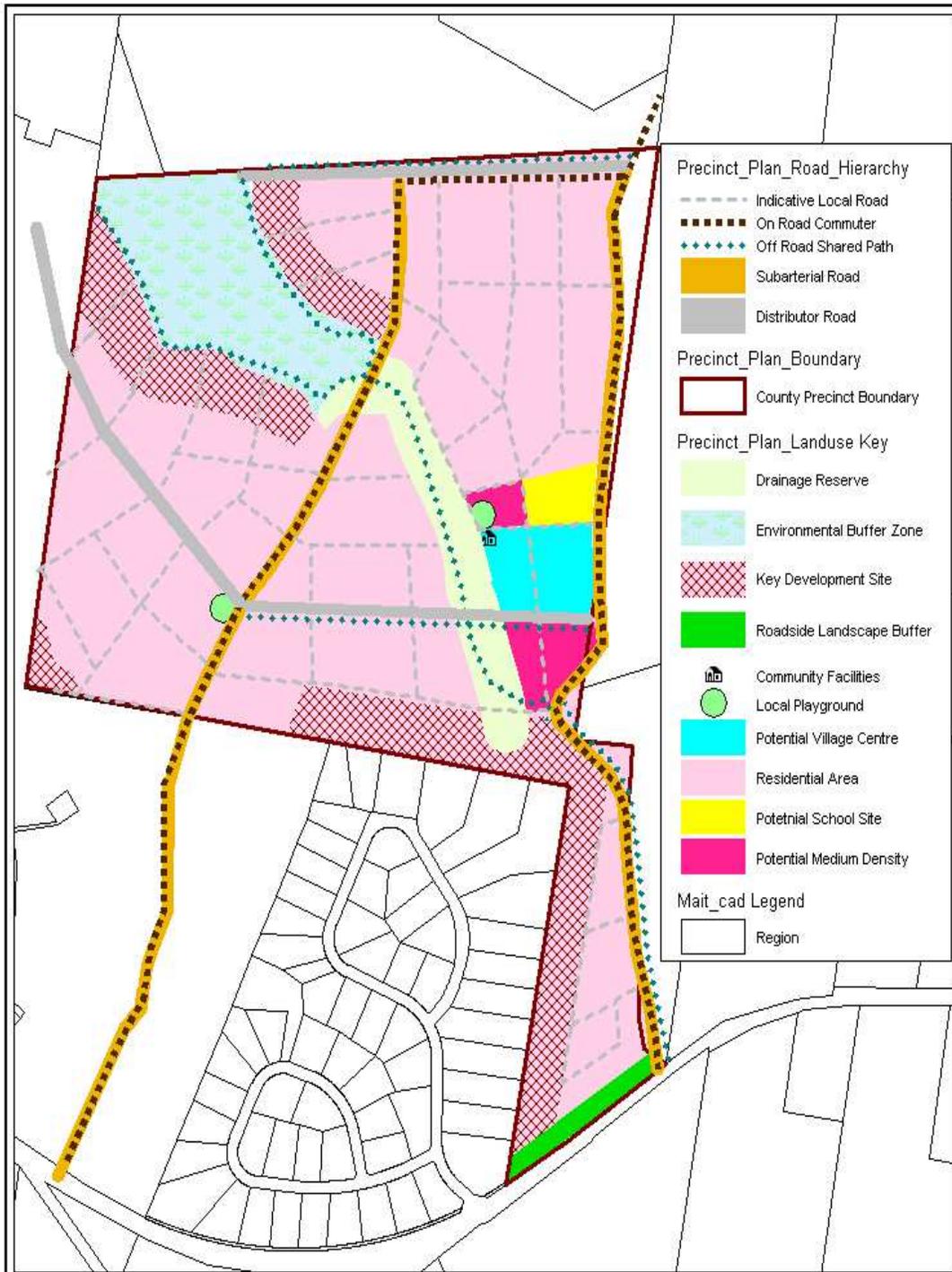
<p>existing development, wetlands and existing roads.</p> <ul style="list-style-type: none"> To encourage a walkable neighbourhood throughout the precinct. 	
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4.3 Key development sites – Future Village Centre

Objectives	Requirements
<ul style="list-style-type: none"> To incorporate a Future Village Centre that provides a range of shopping and community support facilities and activities commensurate with its role in a hierarchy of centres across the Maitland local government area. To create a transport hub at the Village Centre, by providing good connectivity to the Centre for pedestrians, cyclists and public transport. To create a critical mass of residential dwellings close to or within the Future Village Centre to provide out of hours activity. 	<ul style="list-style-type: none"> The Future Village Centre is to have easy and direct pedestrian, cyclist and vehicle access to the surrounding residential area and good visibility from the main access route. It is to be located generally in accordance with Figure 6. The street structure and Village Centre is to be designed to accommodate or facilitate buses and bus stops. Footpaths are to be a minimum of 4 metres to Village Centre streets. Loading and parking access for the Future Village Centre is generally to occur from the rear rather than the main street. The school is to be located on a collector road close to the Future Village Centre to encourage use of the Centre. The Future Village Centre is to be designed to capture views to the adjacent open space and streets are to terminate on axis with unique features and buildings.

4.4 Key Development Sites – Timberland edge

Objectives	Requirements
<ul style="list-style-type: none"> To make provision for appropriate subdivision design and urban development adjoining the existing Timberlane rural residential estate, to provide a transition between rural residential development and urban development 	<ul style="list-style-type: none"> Development on the land adjoining Timberlane Estate should be designed and located so as to minimise bulk and scale, thereby maintaining view corridors and minimising any impacts to the existing rural residential amenity. Allotments immediately adjoining the western and northern boundaries of Timberlane Estate must have a minimum lot size of 1500m² and



Scale 1 : 8 000
 Printing Date: June 2007



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**Waterford County
 Precinct Plan**

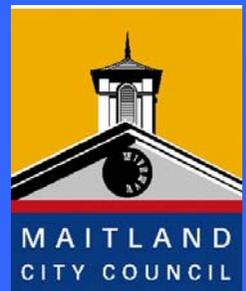
This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change over a limited time and should therefore be verified with Maitland City Council

Figure 6



ACTIVITY CENTRES and EMPLOYMENT CLUSTERS Strategy

January 2010



LOCAL ACTIVITY CENTRES

CHISHOLM

The Thornton North urban release area is one of the 'Major Priority Release Areas' as identified in the LHRS and is also identified as an urban release area within Council's endorsed MUSS. The creation of a local centre within this release area was identified through the preparation and adoption of the Thornton Structure Area Plan (December 2003) and identified as a 'Key Development Site' within the Waterford County Precinct Plan (February 2008).

It is envisaged that the co-location of schools, community facilities, recreation space and the provision of an adequate network of roads and shared paths will create a focal point for the local community.



FIGURE TEN: Local Centre – Chisholm (Indicative location as per the Structure Plan)

VISION

Located within one of Maitland's newest residential neighbourhoods, the provision of a local centre at Chisholm is critical to the creation of a more sustainable community. The Chisholm Local Centre will provide for the convenience needs of the surrounding residents and rural areas in the north-east of the LGA.

The central location will enhance accessibility with connections to public transport, provision of an adequate road network supported by safe, pleasant pedestrian and cycleway links. Creating a place that residents can connect with and form a strong identity with is essential to ensuring Chisholm grows into a viable local centre supporting a vibrant new community.

KEY POLICY OBJECTIVES

Key policy objectives for Chisholm Local Centre include:

- Reinforce the role and function of Chisholm as a local centre within the network and hierarchy of activity centres, to support the higher order function of the town centre at Thornton and provide a focal point for community activity enabling a strong identity and sense of community to be built by the new residents of Chisholm;
- Creation of a new local centre to support the growing residential population by providing a range of convenience shopping combined with some community activities within this area of the Maitland LGA;
- To create a walkable neighbourhood with convenient access to employment, retail premises, community facilities and other services, with less dependence on cars for travel. This can be achieved with the integration of live/work units in and around the centre to encourage the location of small home-based businesses;
- Provide safe, pleasant pedestrian and cycleway routes connecting the activity

centre to the surrounding residential neighbour and to provide good connectivity with public transport; and

- Create a village atmosphere with the mix of uses and integration a range of housing options like shop-top housing close to or within the centre to provide out of hours activity and contribute to the creation of Chisholm as a vibrant activity centre.

FUTURE OPPORTUNITIES

The planning and development of the Chisholm Local Centre must be undertaken in the context of the significant residential development that is occurring in the Thornton North urban release area. Analysis suggests that this new activity centre could potentially be similar in size and offer to the existing local centre at Lorn.

It is envisaged that the Chisholm Local Centre will provide a diverse range of convenience retail integrated with limited commercial activities through the encouragement of live/work units and home businesses to development at the edge of the centre. It is also envisaged that some small-scale community and recreational facilities servicing the needs of the immediate population will also form part of the growth of this activity centre.

LORN

Located across the river from Central Maitland, the Lorn Local Centre comprises of a small cluster of convenience and retail premises mixed with a number of small professional and personal services reusing existing residential dwellings. The location of a school at the edge of the activity centre contributes to this being a walkable neighbourhood.

Belmore Road is the high street of the Lorn Local Centre and is also a major transport route through the LGA. This coupled with its proximity to Central Maitland makes Lorn a highly accessible location. The tree lined streets of the activity centre and surrounding residential area enhances the amenity of the centre and the integration with the surrounding residential area and recreation space provides a pleasant, village feel to this activity centre.

VISION

Nestled on the banks of the Hunter River, the Lorn Local Centre will be an energetic village providing for the day to day needs of the local community as well as a place to meet and enjoy. The provision of some comparison retail, personal services, restaurants and cafes with outdoor dining, mixed with medium density housing will enhance the activity in the centre through the day and into the evening. High quality, safe pedestrian and cycle routes will improve the links between Lorn and Central Maitland and reconnect the Lorn Local Centre to the banks of the Hunter River.

KEY POLICY OBJECTIVES

Key policy objectives for Lorn Local Centre include:

- Reinforce the role and function of Lorn as a local centre within the network and hierarchy of activity centre supporting the higher order function of Central Maitland and provide a focal point for community activity enabling a strong identity and sense of community to be built by the residents Lorn and the surrounding area;
- Consolidation and revitalisation of the Lorn Local Centre to support the existing residential population by providing a range of convenience and comparison retail, personal services and personal businesses and build of the existing concentration of cafes and restaurants;
- Redevelopment within the Lorn Local Centre to enhance the village atmosphere with cafes and restaurants providing outdoor dining, active ground floors fronting Belmore Road and the integration of live/work units in and around the centre to encourage the location of small professional businesses;
- Provide safe, high quality public spaces, landscaping and street improvements, improvement of pedestrian and cycle routes, linking the activity centre to Central Maitland, recreational spaces along the riverbank and the surrounding residential area;
- Due to its close proximity to Central Maitland, an increase of the mix of housing options in and around the Lorn Local Centre, particularly through the provision of shop-top housing and some medium density residential development.