

Maitland LEP 2011 Amendment- East Maitland Melbourne Street Corridor

Proposal Title :	Maitland LEP 2011 Amendment- East Maitland Melbourne Street Corridor		
Proposal Summary :	Rezone land along the Melbourne Street corridor comprising 165 properties with 58 small independent businesses interspersed with dwellings from B6 Enterprise Corridor to B4 Mixed Use under Maitland LEP 2011		
PP Number :	PP_2013_MAITL_005_00	Dop File No :	13/14010

Proposal Details

Date Planning Proposal Received :	22-Aug-2013	LGA covered :	Maitland
Region :	Hunter	RPA :	Maitland City Council
State Electorate :	MAITLAND	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :	9-156 Melbourne Street		
Suburb :	East Maitland	City :	Maitland
Land Parcel :	Lot & DP as per cadastre as outlined on Figure 1 and detailed in Table 1 attached		
Street :	104-110 Les Darcy Drive		
Suburb :	East Maitland	City :	Maitland
Land Parcel :	Lot & DP as per cadastre as outlined on Figure 1 and detailed in Table 1 attached		
Street :	129-139 New England Highway		
Suburb :	East Maitland	City :	Maitland
Land Parcel :	Lot & DP as per cadastre as outlined on Figure 1 and detailed in Table 1 attached		
Street :	6-20 Emerald Street		
Suburb :	East Maitland	City :	Maitland
Land Parcel :	Lot & DP as per cadastre as outlined on Figure 1 and detailed in Table 1 attached		
Street :	1-41 & 2-22 Mill Street		
Suburb :	East Maitland	City :	Maitland
Land Parcel :	Lot & DP as per cadastre as outlined on Figure 1 and detailed in Table 1 attached		

DoP Planning Officer Contact Details

Contact Name : **Ken Phelan**
Contact Number : **0249042705**
Contact Email : **ken.phelan@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Robert Corken**
Contact Number : **0249349784**
Contact Email : **robc@maitland.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Lower Hunter Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Both
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government
Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been
meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes : **B6 to B4 Rezoning: Summary of Principal Land Use Changes**

Land Uses Common to Both B6 & B4 Zones:

Without Consent- Home occupations

**With Consent- Community facilities; Hotel/ Motel accommodation; Passenger transport
facilities; Roads; Shop-top housing**

Introduced by the Rezoning:

Without consent- Home-based child care

With consent- Attached dwellings; Boarding houses; Child care centres; Commercial premises; Educational establishments; Entertainment facilities; Function centres; home industries; Hostels; Information & education facilities; Medical centres; Multi-dwelling housing; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres, Restricted premises; Seniors housing.

Removed by the Rezoning:

Warehouse or distribution centres; Serviced apartments.

External Supporting
Notes :

Maitland Centres Strategy (Hill PDA, 2009) states:

Melbourne Street - New England Highway Precinct

Role and Function

This centre is not classified by the NSW Government's Lower Hunter Regional Strategy. It is however identified by the Maitland Council Urban Settlement Strategy as a Local Renewal Corridor. Currently the corridor provides an area for essential urban support businesses for the LGA which are not always accommodated in a lot of the other centres within the LGA. (p.79)

Issues and Challenges

Upon site investigation and analysis of the mix of uses operating within this corridor, the corridor is considered in keeping with the Renewal Corridor concept of the Strategy. Given the lack of similar centres in Maitland to the East Maitland New England Highway Corridor, it is considered well placed to provide some variety to employment and enterprise opportunities. Furthermore, the corridor is located between the East Maitland Regional Centre and the Greenhills area and therefore should be promoted as a complementary corridor for uses that are not suited to centre locations and that depend on passing trade. (p.80)

It is noted that the reference to passing trade is soon to be changed in its nature, from north-south movements to east-west when the Hunter Expressway opens late 2013. The Third Crossing of the Hunter River is accessed via Melbourne Street (east) and a link in the north-eastern section of the PP area. The new river crossing will generate intra-city and intra-regional (Lower Hunter) trips by-passing central Maitland etc. thereby creating new east-west passing trade and business opportunities after inter-regional traffic is removed from the New England Highway which currently bisects the Melbourne Street Renewal Corridor.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment :

This PP aims to:

- Implement the recommendations of Council's Melbourne Street Precinct Review
- Better reflect existing uses in the Melbourne Street Precinct
- Facilitate changes to established, prohibited business uses in the precinct
- Expand housing-choice

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment :

Amends the Maitland LEP 2011 to rezone the Melbourne Street Precinct from B6 Enterprise Corridor to B4 Mixed Use

The Mixed Use Zone emphasises a greater range of permissible housing types. Under the B6 zone only serviced apartments and shop-top housing are permissible.

Shop-top housing is important in this flood-prone (1%) location where multi-dwelling accommodation can be approved to sit over commercial uses at street-level in a B4 Mixed Use Zone, offering additional income in mixed-use buildings.

There is more focus in the B4 zone on community, retail, cultural and function facilities which would support the wider range of residential uses proposed.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **N/A**

e) List any other matters that need to be considered : **N/A**

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

1) Aerial image with Precinct boundary

2) Maitland LEP 2011 zoning map (B6 Enterprise Zone area)

3) Proposed zoning map to B4 Mixed Use Zone

4) Comparative spatial extent of non-conforming use across the precinct under B6 and B4 zonings

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

1) Notice in local newspaper

2) Exhibition material at Central Maitland and at East Maitland libraries

3) Exhibition at Council Administration Building

4) Letters advising of the rezoning to all landowners, adjoining landowners and other stakeholders as deemed by Council to be relevant to this proposal

The exhibition duration is not stated, a minimum 14 days is conditioned.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Maitland LEP 2011 was notified in December 2011.

Assessment Criteria

Need for planning
proposal :

Overall, the need for the PP is considered justified.

Strategic Issues Addressed by the Proposal:

This proposal responds to four strategic planning issues:

- 1) The Melbourne Street Renewal Corridor contribution to a Hill PDA 'jobs target' approach to Maitland LGA in the adopted Maitland Centres Strategy**
- 2) Non-conforming uses within the current B6 Enterprise Corridor zone over the Melbourne Street precinct.**
- 3) Anticipated combined impacts of the Hunter Expressway by-passing of East Maitland's centres at Lawes Street and Melbourne Street, opening late 2013, and, the Third Crossing of the Hunter River, which opened in December, 2010.**
- 4) Increasing the variety of house-types and housing choice**

Council examined the degree-of-fit offered by the B2 Zone however this would have brought the LEP into conflict with the East Maitland town centre. The B5 zone was also investigated but this does not address the variety of uses in the Melbourne Street precinct and the reduction sought in non-conforming use.

The B4 Zone is used in the Maitland CBD currently.

Consistency with strategic planning framework :

Lower Hunter Regional Strategy (LHRS)

The proposal is consistent with the LHRS. The LHRS does not classify the Melbourne Street precinct business centre within the regional centres hierarchy. The centre offers both neighbourhood and specialist goods and services. Historically supported by its accessibility and exposure on the New England Highway and along Melbourne Street (east), it lies on the principal route to the historic riverport town of Morpeth.

In general the LHRS policy is:

'do not permit retail and commercial offices outside commercial centres other than where consistent with adopted State policies such as 'The Right Place for Business' (RPFB). The compactness and public/ active transport accessibility of the centre makes this PP consistent with RPFB policies and hence with the LHRS.

'The Right Place for Business' (RPFB)

This policy, cited by LHRS, aims to coordinate transport access/ capacity and modal-choice with the location of business, retail, services and employment nodes. It also aims to adapt the transport network for new business uses emphasising public transport, active transport and sustainability.

RPFB also requires consideration of the impact of new business proposals on the economic viability of existing centres within the urban hierarchy. Policies at regional and LGA levels support the growth and viability of East Maitland as the local town centre which operates in a complementary relationship with the Melbourne Street precinct. The former provides daily goods and services needs to residents while the latter provides specialised trades and services to a wider market area ie. automotive retailing and repair, antiques, fireplaces, restaurants etc. The nearest Hunter Expressway interchange, at Buchanan, will make Melbourne Street the main route for visitors to Morpeth and to Maitland.

The PP is considered to satisfy the RPFB locational, access and complementarity criteria for business uses outside of LHRS-classified centres.

The PP meets the criteria in the RPFB policy and therefore is consistent with the LHRS which cites it.

Each strategic issue of the PP is discussed in turn below.

Issue 1) Renewal Corridor Potential Contribution to Maitland's Jobs Target:

Council has adopted a 12,000 jobs target based on a 'population needs' method that estimates the number of jobs required to maintain the 2009 level of out-commuting. This policy pegs jobs-containment at 43%. This method differs from the regional forecasts with apportionment to LGA's as used in the regional strategy. The validity of Council's approach is accepted.

Council's consultants (Hill PDA, 2009) in the Maitland Centres Strategy 2009 estimate the East Maitland corridor floorspace potential at 8,000m². The vision for Melbourne Street precinct is for a mixed use precinct providing a variety of employment, industrial and commercial enterprises coupled with urban support uses and integrated with higher density residential development. A greater variety of housing types is proposed, encouraging living nearer to work or commuting by public transport or active transport. From the precinct's western end to East Maitland railway station is 950m or a 12 minute walk.

Issue 2) Reduction in Non-conforming/ Existing Uses:

Under the current B6 Enterprise Corridor Zone (Maitland LEP 2011) there are some 81 lots with non-conforming/ existing uses (49% of properties) whereas under the proposed B4 Mixed Use Zone there would be some 69 lots with non-conforming/ existing uses (42% of properties).

The reduction in non-conformity is mainly within the core business frontages along Melbourne Street east of the New England Highway to Lawes Street. This may make these premises more attractive to prospective purchasers or businesses.

Issue 3) Combined Impact of Hunter Expressway with Third Crossing of the Hunter River

Opportunities are likely as the Hunter Expressway Buchanan interchange in the west interacts with the Third Crossing of the Hunter River (opened December, 2010) access point to the north-east of the PP area. The more intensive uses permissible under the B4 Mixed Use zone may facilitate business investment in new permissible uses. These are educational institutions, commercial premises, entertainment facilities and function centres, child care in homes and in centres as well as indoor recreation facilities, registered clubs, respite day care centres and information and education facilities such as libraries, museums, art galleries and exhibition premises. Narrower Melbourne Street frontages will be promoted for active-frontage businesses to activate the street along with Council's planned improvements to its public domain.

More intensive forms of housing will add to activation and create synergies across the range of new non-residential uses.

Issue 4) Increasing Housing Choice

Accommodation types introduced by the rezoning are attached dwellings; boarding houses; hostels; multi-dwelling housing; residential flat buildings and seniors housing. Accommodation types common to both the B6 and B4 zones which continue to be permissible are motels, hotels and shop-top housing. It is noted that only the serviced apartment accommodation type is lost in the proposed rezoning.

State Environmental Planning Policies (SEPP's)

No SEPP's are identified by Council as being relevant to this Planning Proposal, which is agreed.

Section 117 Directions

The proposal is consistent with the relevant Section 117 Directions as identified by Council except 4.3 Flood Prone Land. No additional Section 117 Directions apply.

1.1 Business and Industrial Zones

Land suitable for business or in light industrial use is not curtailed by the proposal. No land zoned for industry is involved. In these circumstances employment growth in the centre under a B4 zone may well be greater than under the current B6 Zone. These outcomes are consistent with the objectives of this Direction.

The PP is consistent with this Direction.

2.3 Heritage Conservation

The proposal overlaps the East Maitland Conservation Area with about half the proposal's properties falling within it. There are seven separately listed heritage places within the area proposed for rezoning.

Heritage Incentive Clause 5.10(10) in the Maitland LEP allows Council to consider any use for a heritage building or its curtilage. So the rezoning will have no impact on the range of uses permissible within heritage properties.

For the conservation area generally, Council has a suite of well-designed guidelines and advice for the owners of buildings in Conservation Areas, or which are heritage-listed on

their individual merits.

The proposal is therefore consistent with this Direction.

3.1 Residential Zones

The wider range of house-types proposed will likely increase housing variety and choice, making efficient use of existing infrastructure within the East Maitland urban centre and minimising impacts on the environment and primary resource lands.

The proposal is therefore consistent with this Direction.

3.4 Integrating Land Use and Transport

The combined effect of expanding housing and employment options within easy access to train services and bus routes, as well as on a grid-pattern of streets suitable for active transport, will better integrate land use with transport.

The retail uses permissible in the B4 Mixed Use zone may generate traffic, parking and manoeuvring associated with the 22 properties having New England Highway frontage. Therefore NSW Roads and Maritime Services should be consulted concurrently with the exhibition.

With this, the proposal will be consistent with this Direction.

4.3 Flood Prone Land

The flood prone land map requested of Council shows all 165 PP properties to be flood prone. Of these, six are businesses within defined floodway:

- 1) Lot 2 Melbourne Street DP 332670, currently a car sales yard (adjoins railway)
- 2) No.9 Melbourne Street (Lot 1 DP 88317), currently used as a service station
- 3) No.11 Melbourne Street (Lot 12 DP 635087,) currently a drive-in liquor store
- 4) No.19 Melbourne Street (Lot 13 DP 635087), currently a coin-operated laundry
- 5) No.20-21 Melbourne Street (Lot 2111 DP 635086), currently a chemical company
- 6) No.23 Melbourne Street (Lot 7 DP 1139560), currently a power machinery and marine retailer and No.25 Melbourne Street (Lot 7 DP 1139560), currently a Brake and Clutch workshop (Corner of Pitnacree Road- link to Hunter River Third Crossing).

The proposed land use changes are likely to increase the numbers of people and value of property exposed to flood risk as compared to the current zone. It is noted that all flood-prone properties lie within 450m of the 1% flood area boundary.

It is noted that there are nearby R1 Residential areas within the flood (fringe) area.

While seniors housing and childcare centres in this flood area are not ideal, proposals are subject to assessment against the NSW Floodplain Development Manual and local floodplain management plan as well as DA referrals to emergency services. This will confirm that suitable development design, response plans and emergency services capacity exist for the PP area.

Clause 6 of Direction 4.3 Flood Prone Land states:

A planning proposal must not contain provisions that apply to the flood planning areas which:

- (a) permit development in floodway areas
- (c) permit a significant increase in the development of that land
- (e) permit development to be carried out without development consent except for the purposes of agriculture

It is noted that under the B4 Zone as proposed the following uses are permissible without consent:

- Home-based child care
- Home occupations

The proposal is therefore inconsistent with this Direction.

While home occupations do not necessarily increase the numbers of people ordinarily occupying such a building, home-based child care does; and vulnerable persons perhaps

unfamiliar with the locality in the event of an emergency evacuation. It is recommended that Council address such issues and demonstrate their resolution prior to public exhibition. Justification for this inconsistency will be considered post-exhibition.

5.1 Implementation of Regional Strategies

The Lower Hunter Regional Strategy recognises a local role for East Maitland as both a 'town centre' (Lawes Street) for the suburb with specialist trades and services. Melbourne Street precinct is distinct from the Lawes Street 'town centre', both physically and functionally. The latter meets local daily goods and services needs whereas Melbourne Street precinct's more specialised trades and retailing serves a wider market for bulky goods via the adaptive reuse of some of the precinct's heritage buildings.

The B4 zone's range of uses, and its overlapping permissible uses with those of the B2 zoning over the East Maitland Town Centre, implies both an increase in retail floorspace over that of the B6 zone and a trade impact on the East Maitland Town Centre. In the strategic context of Maitland LGA however, the general and grocery retail uses of the Greenhills centre compete more strongly with East Maitland Town Centre by offering 95 premises and 71,000m² of floorspace 1.7km to its south-east and extensive free, some undercover, car parking.

Having regard to the proposal's reference to a total 8,000m² maximum commercial floorspace gain in the East Maitland corridor under the Maitland Centres Strategy, only a proportion of which would be retail, the impact from the PP is likely to be relatively quite small. Also, given the proposal's alignment with the land use, accessibility and transport principles in 'The Right Place for Business' state policy, the proposal is considered to be consistent with this Direction.

Environmental social
economic impacts :

Environmental Impacts

The change from the B6 to the B4 zone does not imply significant environmental impacts. It is noted that an aim of the PP is to promote housing above commercial premises which would elevate it above the design flood level applicable over all lots in the PP area. Flood behaviour is unlikely to vary from that under the current zoning with each DA in the floodplain assessed on merits. New housing near the railway station would likely lower the average household carbon footprint.

Social Impacts

Shop-top and other multi-unit housing types permissible under a B4 Zone could offer affordable housing types and at the same time make small business investments more viable by providing a second income stream in mixed-use properties or by enabling business owners to 'live-over-the-shop'.

Seniors housing and childcare centres permissible in the B4 zone have inherent risks. The intensification (of use, investment and population) aimed for via this rezoning is contrary to Direction 4.3 Flood Prone Land.

The permissibility of a range of community and personal services in the B4 Zone will support the wider range of house-types and facilitate the use of active transport modes, with improved population health outcomes.

Urban consolidation of property toward East Maitland railway station under the Maitland Settlement Strategy 2010 could provide affordable housing with access to workplaces up and down the Hunter Valley without the need for car ownership, often a barrier to employment. Public transport accessibility has also been demonstrated to promote active transport modes at trip-ends. Retail and service industry jobs are likely to be generated by increased accessibility and investment in the Melbourne Street Precinct.

Economic Impacts

Completion of the Hunter Expressway will likely impact those businesses that rely on passing-trade. Planning measures to improve the prospects for attracting new equity to premises and businesses in the precinct from business owners' and buyers' perspectives are timely.

New business opportunities may also be created by quieter, safer streets carrying light vehicles, public transport and active transport. Improved marketability of more conforming uses will help the business centre to adapt to the new trading environment.

The Maitland Urban Settlement Strategy, 2010 has policies to limit retail and commercial development outside of Central Maitland and Green Hills (a 'freestanding centre' in LHRs). Melbourne Street Precinct lies 1km/ 2mins drive from the Lawes Street shopping area which is identified in the LHRs as being the East Maitland 'town centre', a role it seeks to reinforce. The Melbourne Street Precinct is also 2.7km/ 5mins drive west of Green Hills Shopping Centre and 3.5km/ 6mins drive east of central Maitland's High Street business and retail heritage precinct. The four centres provide a wide range of shopping experience, business types and services within an accessible 6km corridor on which local and intra-regional traffic will soon flow more freely enabling them to operate as a cluster. The economic impacts of their business interactions will depend on their degree of differentiation.

Assessment Process

Proposal type : **Precinct** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

N/A

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Maitland LEP 2011 Amendment- East Maitland Melbourne Street Corridor

Document File Name	DocumentType Name	Is Public
Planning Proposal for Gateway Determination V1.0 15.8.2013 Melbourne St East maitland.pdf	Proposal	Yes
Melbourne St PP_Real Property.xlsx	Proposal Covering Letter	Yes
Appendix1_Discussion Paper - Melbourne Street Land Use Review.pdf	Proposal	Yes
Appendix2_Council Minutes.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements

Additional Information : **The PP proceed through the Gateway subject to the following conditions:**

1. Community consultation is required under sections 56(2c) 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 & Infrastructure 2013) and must be made publicly available for a minimum of 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

2. Additional information regarding the proposal's consistency, or otherwise with s117 direction 4.3 Flood Prone Land, is required to be included in the Planning Proposal. This information may include, but is not limited to, the implications associated with more intensive uses in this flood prone location, particularly in floodway.

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act;

- Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. Council exhibit the proposal along with the documents:

- a) Maitland Centres Strategy, 2009
- b) The state policy 'Integrating Land Use and Transport, The Right Place for Business and Services- Planning Policy', Department of Urban Affairs and Planning, and, Transport NSW.
- c) The latest flood prone land map covering the area with the Proposal overlain on it.
- d) A timeline for completion of the proposal

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The land use zoning map be corrected to read: 'B4 Mixed Use'

Maitland LEP 2011 Amendment- East Maitland Melbourne Street Corridor

7. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons :

The Planning Proposal will provide for a broader range of uses within the corridor and capitalise on changes to regional traffic flow. The differentiation with the East Maitland town centre, although lessened through the planning proposal, remains adequate to minimise conflict between the centres. Subsequent to clarification about the implications of these uses, and in particular uses permitted without consent, support for the proposal to proceed to exhibition is given.

Signature:



Printed Name:

KO'FLAHERTY

Date:

6/9/13