



Planning Proposal

AMENDMENT TO THE MAITLAND LEP 2011

**Melbourne Street, East Maitland
(To rezone the B6 Enterprise Corridor to B4 Mixed Use)**

Version 3.0
21/10/2013



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Version 1.0 – 16.2.2012 (For gateway determination)

Version 2.0 – 17.09.2013 (For exhibition)

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INTRODUCTION

Council endorsed the recommendation to prepare a planning proposal to rezone the Melbourne Street precinct from B6 Enterprise Corridor to B4 Mixed Use at its meeting on 13 August 2013.

This planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979. It explains the intended effect of, and justification for the proposed amendment to Maitland Local Environmental Plan 2011 to rezone the area in the Melbourne Street Precinct zoned B6 Enterprise Corridor to B4 Mixed Use. A location plan is at PART 4: MAPS.

The study area comprises of around 58 generally small and independent businesses interspersed with residential uses. The businesses provide a range of goods and services including manufacturing, car sales and trade relate goods and services. There are no major retailers (such as a supermarket) within the Melbourne Street precinct. Approximately half of the precinct comprises of bulky goods and auto related premises. There are also six light industrial premises.

Council has undertaken a review of land use in the precinct and the strategic context provided by the Maitland Urban Settlement Strategy 2010, the Maitland Centres Study 2010 and the Activity Centres and Employment Strategy 2010. There is conflicting direction relating to the future of the Melbourne Street precinct. However, the consistent message is that the mixture of uses – commercial, retail, light industry and higher density residential is appropriate for the precinct. For example; Hill PDA indicates that an increase of floor space for commercial and retail purposes of up to 8000m² could be accommodated in the core of the precinct. This is at odds with the direction to minimise retail uses in B6 Zones and to direct retail uses to existing centres.

The precinct is expected to experience a significant drop in traffic volumes and in particular heavy vehicles travelling along the New England Highway on the opening of the Hunter Expressway. However the northern section of Melbourne Street will continue to be well trafficked because of the third river crossing, the development it serves and other key destinations north of the City.

The existing land uses reflect an inertia towards vehicle related light industries although there are some other industries and retail scattered throughout the precinct. There is no higher density residential in the precinct despite the policy setting to encourage this type of use.

A B4 Mixed Use zone over this area would better reflect the existing uses in Melbourne Street and is consistent with Councils strategic direction.

Council has now undertaken the community consultation and consulted the Roads and Maritime Services (RMS) in accordance with the Gateway Determination. One (1) submission was received in favour of the change. The RMS did not object to the change of zone.

It is therefore considered appropriate for the Minister to make the LEP in accordance with s59 of the Environmental Planning and Assessment Act 1979.

PART 1: OBJECTIVES OR INTENDED OUTCOMES

The objectives of the proposal are;

1. To implement the recommendations of the review of the Melbourne Street Precinct;
2. To better reflect the existing uses in the Melbourne Street precinct;
3. The facilitate changes to established, prohibited businesses in the precinct.

PART 2: EXPLANATION OF PROVISIONS

The planning proposal seeks to amend the Maitland LEP 2011 to rezone the Melbourne Street Precinct from B6 Enterprise Corridor to B4 Mixed Use.

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 the planning proposal;
- Section B: Relationship to strategic planning framework;
- Section C: Environmental, social and economic impact; and
- Section D: State and Commonwealth interests.

SECTION A – NEED FOR THE PLANNING PROPOSAL

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

Maitland Centres Study (Hill PDA 2009)

The MCS2009 states that 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.

In relation to the future direction of the Melbourne Street/New England Highway corridor the MCS states;

"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. Given the lack of similar centres in the LGA to the East Maitland New England Highway Corridor, it is considered well placed to provide some variety to employment and enterprise opportunities.

Our [Hill PDA] retail analysis has found that the core of the corridor could grow to provide in the order of 8,000m² of commercial and retail floor space."

Activity Centres and Employment Clusters Strategy 2010

The ACECS identifies the area as a 'Local Specialised Precinct'. It states the vision for the Melbourne Street Mixed Use Precinct as:

"The Melbourne Street Mixed Use Precinct will provide a mix of employment commercial and industrial enterprises coupled with urban support use, integrated with higher density residential development. This variety of uses builds on the existing character of the precinct and strengthens the connections with the East Maitland Town Centre in a highly accessible location."

Key policy objectives for the Melbourne Street Mixed Use Precinct include:

- To encourage the development of start-up business opportunities for a range of industries and enterprises within this precinct;
- Encourage the continuation and consolidation of the light industrial activities currently located in Melbourne Street, south of the New England Highway;
- Encourage shop top housing and higher density residential development within the precinct which provides high quality design outcomes;
- Maintain ground floor uses, such as cafés and restaurants which activate the street frontage and encourage the development of a more pedestrian friendly environment; and
- Recognition of the important connectivity function of Melbourne Street between the New England Highway and Morpeth;

Future Opportunities

The location of these retail and commercial premises in close proximity the East Maitland Town Centre is important and therefore the future development of this precinct must be considered in the context of the East Maitland Town Centre and aim to support its role and function.

The ACECS also provides direction relating specifically to bulky goods retail. It states:

Vision

Clusters of specialised larger retailing floor space will adapt and respond to a changing market. These clusters will operate in a cohesive and cooperative manner to provide a well serviced, high amenity shopping experience for residents of Maitland and the Hunter Valley.

Key policy objectives

- Reinforce the role and function of bulky goods retailing as an employment cluster in the Maitland LGA and provide nodes for expanding and strengthening in regional offer of bulky goods to shape a destination shopping experience.
- Champion bulky goods retailing in out of centre locations, but within an existing or emerging cluster to provide opportunities for higher order activities in centres and a net community benefit.

- Focus retailing in clusters to encourage cooperative sharing of facilities and the formation of robust business areas with opportunities for change over time.

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

The rezoning from B6 Enterprise Corridor to B4 Mixed Use can only be achieved by the preparation of a planning proposal under the provisions of the Environmental Planning and Assessment Act 1979.

3. Is there a net community benefit?

No net community benefit test has been undertaken. As the B4 Mixed Zone is more reflective of the existing land uses and permits many of the existing business rather than prohibit them (as is the case with the B6 Enterprise Corridor zone) the community benefit is likely to be neutral to positive.

SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

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

Lower Hunter Regional Strategy (NSW Department of Planning and Infrastructure) 2006

The LHRS does not provide any specific strategic direction for Melbourne Street. However it does reinforce the existing East Maitland Centre as the ‘town’ in the vicinity of Melbourne Street.

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

Maitland Urban Settlement Strategy 2001-2021 (Maitland City Council) – 2010 Edition

The Melbourne Street precinct is identified under the 3.3.8 *Employment Corridors* of the MUSS2010 that states:

Employment Corridors allow for clusters of low to medium residential development, mixed use businesses and enterprise development along former principal and main road links that now provide intra-regional road corridors carrying significant volumes of traffic and public transport services. Activity extends from a block beyond the road, allowing appropriate access and function.

Activities include residential, small specialised and independent retails, clusters dedicated to new retail formats, light industrial units and small emerging businesses.

Older style shopping strips will persist, as will residential development within business zones.

The opportunity for residential development to intensify in the future is apparent. The renewal corridors, including both the anchor centres and the linear strip will accommodate a range of

future mixed-use residential and commercial/retail developments in all parts of the corridor including the anchor centres.

Melbourne Street Mixed Use Precinct

Within this precinct, there is an existing mix of uses ranging from car sales yards, and light industrial activities to shops, schools, community facilities, home businesses and residential buildings. Services catering to the travelling public such as fast food outlet, service station and accommodation area also located in this precinct taking advantage of the corridor location.

4.2.3 Key policies - Employment Lands

The relevant 'key policies' of the MUSS2010 are:

- Limit retail and commercial development outside Central Maitland and Green Hills.
- Concentrate retail activities in centres and identify and strengthen industry clusters.

5.4 Urban consolidation: Urban infill and extension potential development

The MUSS identifies four areas for urban consolidation. The northern part of Melbourne Street, in proximity of the train station, falls within one of these areas.

Maitland +10 (Community Strategic Plan)

The review of the Melbourne Street land use zone is an initiative of the Council's delivery plan.

Table 1: Maitland City Council Delivery Program 2013-2017.

11.2	Community Strategy	The efficient and sustainable movement of people and goods will be at the centre of transport and land use planning.
11.2.1	To connect land use and transport decisions that affect employment areas	Review Melbourne Street mixed use precinct in response to Enterprise Corridor zone and impact of the third river crossing.

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

There are no SEPPs that are relevant to the proposed change of zone from B6 Enterprise Corridor to B4 Mixed Use.

7. Is the planning proposal consistent with applicable Ministerial Directions for Local Plan making?

Table 2: s117 Directions.

s117 DIRECTIONS	CONSISTENCY AND IMPLICATIONS
1. EMPLOYMENT AND RESOURCES	
1.1 Business and Industrial zones	Consistent
The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	The proposed rezoning to B4 Mixed Use better reflects the mix use nature of the precinct. It will allow for (some) existing businesses that are prohibited in the B6 Enterprise Corridor zone to relocate, expand and renovate premises. The greater number of uses permitted in the precinct should support continued development and investment in the precinct.
2. ENVIRONMENT AND HERITAGE	
2.3 Heritage Conservation	Consistent
The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	The investigation area falls within a Heritage Conservation Area defined by the MLEP2011 and there are several heritage items. The proposed rezoning will not affect the heritage conservation zone or the items of heritage significance.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT	
3.1 Residential Zones	Consistent
Encourage a variety and choice of housing, minimise the impact of residential development on the environmental and resource lands and make efficient use of infrastructure and services	The proposed zone accommodates a range of housing including shop top housing, multi-unit dwellings and residential flat buildings. This is consistent with the strategic direction provided by the Maitland Urban Settlement Strategy 2010, Activities Centres and Employment Clusters Strategy and Maitland Centres Strategy 2010.
3.4 Integrating Land Use and Transport	Consistent
The objectives relate to the location of urban land and its proximity to public transport infrastructure and road networks, and improving access to housing, employment and services by methods other than private vehicles.	The Melbourne Street Precinct is serviced by the East Maitland Train Station and the New England Highway bisects the precinct.
HAZARD and RISK	
4.3 Flood Prone Land	Consistent
The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and	Part of the Melbourne Street Precinct is affected by flooding. S117 direction 4.3 states that; 1. <i>A planning proposal must include provisions that give effect to and are consistent with the</i>

s117 DIRECTIONS**CONSISTENCY AND IMPLICATIONS**

- the principles of the Floodplain Development Manual 2005, and
- (b) (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).

The Maitland LEP 2011 includes provisions (Clause 7.3) that gives effect to and is consistent with the NSW Flood Prone Land Policy.

The 'Guideline on Development Controls on Low Flood Risk Areas' reiterates the three categories of flood prone land being: 'Floodways', 'Below the residential FPL (1%AEP level + 0.5m freeboard)' and 'Above the residential FPL'. The Melbourne Street precinct is below the residential FPL. Any new development proposed in the flood affected area will be subject to assessment against Council's LEP and in particular clause 7.3.

The precinct is categorised as flood storage and flood fringe.

2. *A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.*

Not applicable. The planning proposal seeks to change the zoning from one business zone to another business zone.

3. *A planning proposal must not contain provisions that apply to the flood planning areas which:*
 - a. *permit development in floodway areas,*

There are no floodways in the precinct. Refer Figure 5.

- b. *permit development that will result in significant flood impacts to other properties,*

No development is proposed at this stage. Each development will be assessed on its merits and against the provisions of the MLEP2011.

- c. *permit a significant increase in the development of that land,*

The proposal seeks to rezone the precinct from one business precinct to another, i.e. that is B6 Enterprise Corridor to B4 Mixed Use. There are additional uses permitted in the proposed zone but the proposal will NOT result in a significant increase in the development of the land.

- d. *are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or*

No mitigation measures will be required as a result of the rezoning.

- e. *permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.*

An additional 'permitted without consent' use will be introduced as a result of the rezoning. This is 'Home-based child care'. This is not considered an issue that should prevent the rezoning of the precinct to B4 Mixed Use as the precinct has access to flood free access and there are significant warning periods for flooding of the Hunter River.

4. *A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*

Not applicable

5. *For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority*

s117 DIRECTIONS**CONSISTENCY AND IMPLICATIONS**

provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

No change to the flood planning level in this location is proposed.

REGIONAL PLANNING**5.1 Implementation of Regional Strategies****Consistent**

This direction requires a draft amendment to be consistent with relevant state strategies that apply to the LGA.

The LHRS does not provide any specific strategic direction for Melbourne Street. However it does reinforce the existing East Maitland Centre as the 'town' in the vicinity of Melbourne Street.

LOCAL PLAN MAKING**6.1 Approval and Referral****Consistent**

The direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

A B4 Mixed Use better reflects the existing uses in the precinct.

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

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

Not applicable

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

Not applicable

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

The proposal more accurately reflects the land uses that presently exist in the precinct and is consistent with the strategic direction provided by the MUSS2010 and other local studies.

SECTION D – STATE AND COMMONWEALTH INTERESTS

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

The precinct is adequately serviced by existing infrastructure.

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

The Gateway Determination required Council to consult with the Roads and Maritime Services. The RMS had no objections to the reclassification of the subject land from 'B6 Enterprise Corridor' to 'B4 Mixed Use'. A copy of the response is attached to this planning proposal.

PART 4: MAPS

The following maps support the proposal:

Figure 1: Location plan - Melbourne Street B6 Precinct.

Figure 2: Existing land use zones, Maitland Local Environmental Plan 2011.

Figure 3: Proposed land use zone, Maitland Local Environmental Plan 2011.

Figure 4: Flood planning level (1%AEP + 0.5m freeboard) and precinct – Maitland Local Environmental Plan 2011.

Figure 5: Hydraulic categorisation 100Y ARI Event – Hunter River Floodplain Risk Management Study and Plan DRAFT – June 2013.



Figure 1: Location plan - Melbourne Street B6 Precinct.

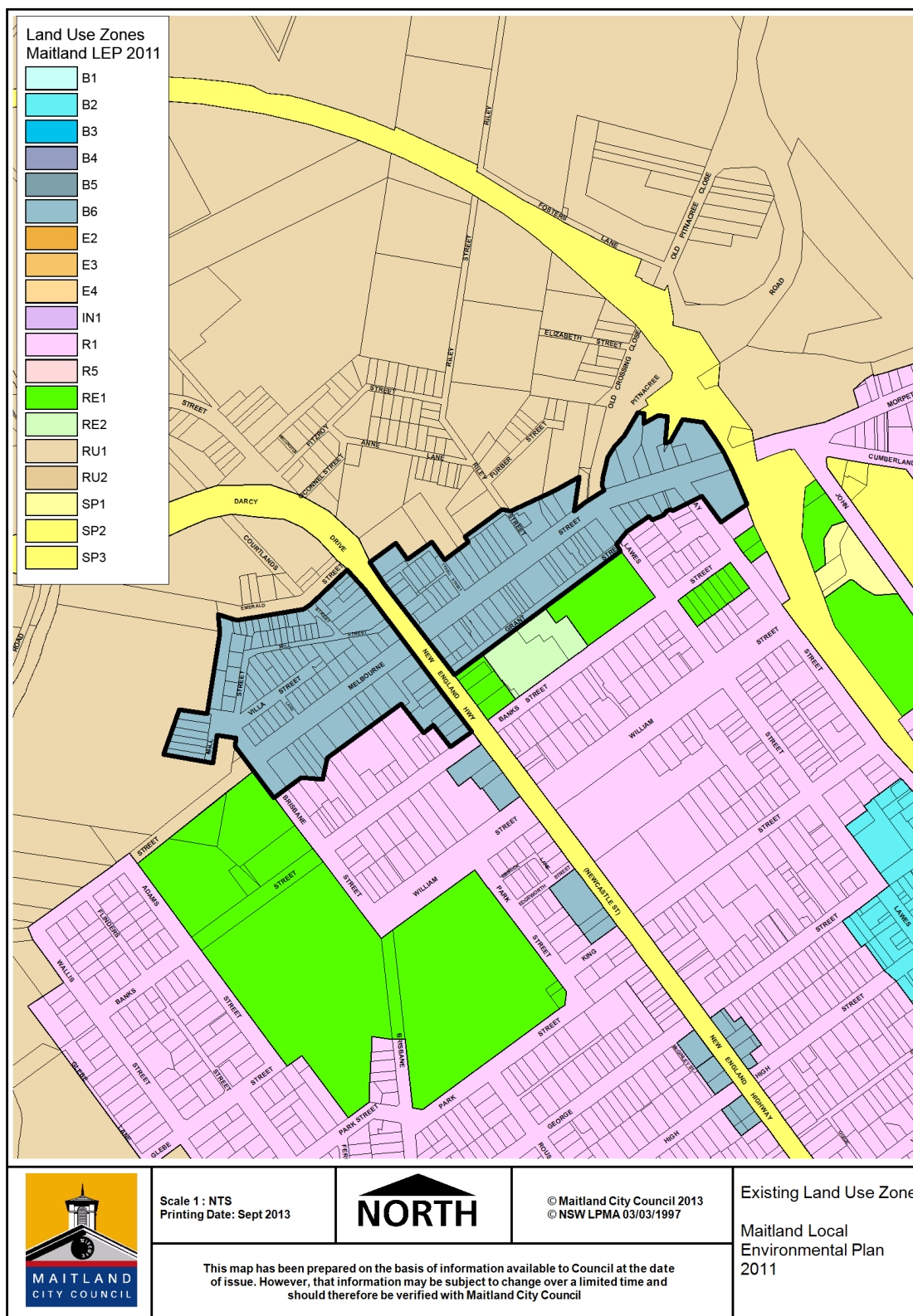


Figure 2: Existing land use zones, Maitland Local Environmental Plan 2011.

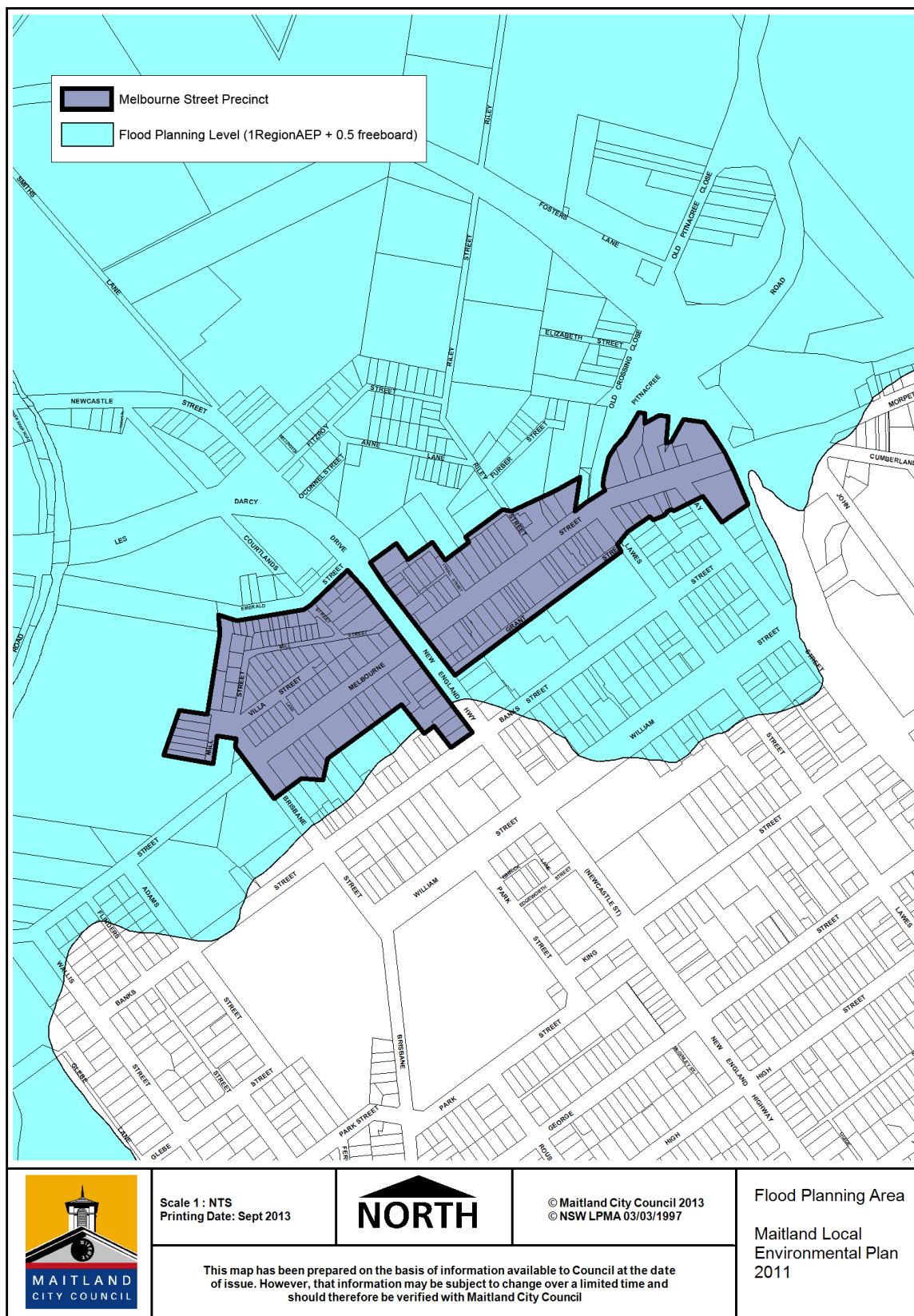


Figure 4: Flood planning level (1%AEP + 0.5m freeboard) and precinct – Maitland Local Environmental Plan 2011.

PART 5: COMMUNITY CONSULTATION

Council undertook community consultation in accordance with the gateway and in accordance with Council's adopted Community Engagement Strategy (March 2009).

One (1) response was received during the consultation period in support of the proposal.

PART 6: TIMEFRAMES

PROJECT TIMELINE	DATE
Anticipated commencement date (date of Gateway determination)	Sept 2013
Anticipated timeframe for the completion of required studies	NIL
Timeframe for government agency consultation (pre and post exhibition as required by gateway determination) (21 days)	Nov 2013
Commencement and completion dates for public exhibition period (14 days)	Nov 2013
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	Jan 2014
Timeframe for the consideration of a proposal post exhibition	Jan 2014
Anticipated date RPA will forward the plan to the department to be made (if not delegated)	Feb 2014
Anticipated date RPA will make the plan (if delegated)	April 2014
Anticipated date RPA will forward to the department for notification (if delegated)	April 2014

APPENDIX ONE. DISCUSSION PAPER

B6 Enterprise Corridor (including Melbourne Street) Land Use Review

Précis

This discussion paper examines the use of the B6 Enterprise Corridor zone across the LGA and specifically in Melbourne Street. It recommends a change of zone in Melbourne Street to B4 Mixed Use and given the major changes to the NSW Planning System in 2014, for Council to consider applications to rezone other incidences of the B6 zone to an alternative zone on merit.

Background

The review of the Melbourne Street land use zone is an initiative of the Council's delivery plan.

Table 1: Maitland City Council Delivery Program 2013-2017.

11.2	Community Strategy	The efficient and sustainable movement of people and goods will be at the centre of transport and land use planning.
11.2.1	To connect land use and transport decisions that affect employment areas	Review Melbourne Street mixed use precinct in response to Enterprise Corridor zone and impact of the third river crossing.

Council has received a submission from representatives of a Melbourne Street business expressing concerns that the B6 Enterprise Corridor zone along Melbourne Street is causing problems for existing businesses in that location. The submission sights a proposed expansion of Carpet Court that could not be considered by Council because it was defined as 'bulky goods' and prohibited in the B6 zone.

This discussion paper examines the application of the B6 zone in the Maitland LGA to determine if its use in Melbourne Street and other locations is appropriate.

Melbourne Street

The study area comprises of around 58 generally small and independent businesses interspersed with residential uses. The businesses provide a range of goods and services including manufacturing, car sales and trade relate goods and services. There are no major retailers (such as a supermarket) within the Melbourne Street precinct. Approximately half of the precinct comprises of bulky goods and auto related premises. There are also six light industrial premises.

The following provides a summary of the existing policy applicable to the Melbourne Street precinct.

Lower Hunter Regional Strategy

The LHRS does not provide any specific strategic direction for Melbourne Street. However it does reinforce the existing East Maitland Centre as the 'town' in the vicinity of Melbourne Street.

Maitland Urban Settlement Strategy 2010

The Melbourne Street precinct is identified under the 3.3.8 *Employment Corridors* of the MUSS2010 that states:

Employment Corridors allow for clusters of low to medium residential development, mixed use businesses and enterprise development along former principal and main road links that now provide intra-regional road corridors carrying significant volumes of traffic and public transport services. Activity extends from a block beyond the road, allowing appropriate access and function.

Activities include residential, small specialised and independent retails, clusters dedicated to new retail formats, light industrial units and small emerging businesses.

Older style shopping strips will persist, as will residential development within business zones.

The opportunity for residential development to intensify in the future is apparent. The renewal corridors, including both the anchor centres and the linear strip will accommodate a range of future mixed-use residential and commercial/retail developments in all parts of the corridor including the anchor centres.

Melbourne Street Mixed Use Precinct

Within this precinct, there is an existing mix of uses ranging from car sales yards, and light industrial activities to shops, schools, community facilities, home businesses and residential buildings. Services catering to the travelling public such as fast food outlet, service station and accommodation area also located in this precinct taking advantage of the corridor location.

4.2.3 Key policies - Employment Lands

The relevant 'key policies' of the MUSS2010 are:

- Limit retail and commercial development outside Central Maitland and Green Hills.
- Concentrate retail activities in centres and identify and strengthen industry clusters.

5.4 Urban consolidation: Urban infill and extension potential development

The MUSS identifies four areas for urban consolidation. The northern part of Melbourne Street, in proximity of the train station, falls within one of these areas.

Maitland Centres Study (Hill PDA 2009)

The MCS2009 states that 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.

In relation to the future direction of the Melbourne Street/New England Highway corridor the MCS states;

"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. Given the lack of similar centres in the LGA to the East Maitland New England Highway Corridor, it is considered well placed to provide some variety to employment and enterprise opportunities.

Our [Hill PDA] retail analysis has found that the core of the corridor could grow to provide in the order of 8,000m² of commercial and retail floor space."

Activity Centres and Employment Clusters Strategy 2010

The ACECS identifies the area as a 'Local Specialised Precinct'. It states the vision for the Melbourne Street Mixed Use Precinct as:

"The Melbourne Street Mixed Use Precinct will provide a mix of employment commercial and industrial enterprises coupled with urban support use, integrated with higher density residential development. This variety of uses builds on the existing character of the precinct and strengthens the connections with the East Maitland Town Centre in a highly accessible location."

Key policy objectives for the Melbourne Street Mixed Use Precinct include:

- To encourage the development of start-up business opportunities for a range of industries and enterprises within this precinct;
- Encourage the continuation and consolidation of the light industrial activities currently located in Melbourne Street, south of the New England Highway;
- Encourage shop top housing and higher density residential development within the precinct which provides high quality design outcomes;
- Maintain ground floor uses, such as cafés and restaurants which activate the street frontage and encourage the development of a more pedestrian friendly environment; and
- Recognition of the important connectivity function of Melbourne Street between the New England Highway and Morpeth;

Future Opportunities

The location of these retail and commercial premises in close proximity the East Maitland Town Centre is important and therefore the future development of this precinct must be considered in the context of the East Maitland Town Centre and aim to support its role and function.

The ACECS also provides direction relating specifically to bulky goods retail. It states:

Vision

Clusters of specialised larger retailing floor space will adapt and respond to a changing market. These clusters will operate in a cohesive and cooperative manner to provide a well serviced, high amenity shopping experience for residents of Maitland and the Hunter Valley.

Key policy objectives

- Reinforce the role and function of bulky goods retailing as an employment cluster in the Maitland LGA and provide nodes for expanding and

strengthening in regional offer of bulky goods to shape a destination shopping experience.

- Champion bulky goods retailing in out of centre locations, but within an existing or emerging cluster to provide opportunities for higher order activities in centres and a net community benefit.
- Focus retailing in clusters to encourage cooperative sharing of facilities and the formation of robust business areas with opportunities for change over time.

S117 Directions

The following s117 directions applies to rezoning business and industrial zoned land.

1.1 Business and Industrial Zones

Objectives

(1) The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified strategic centres.

A planning proposal must:

- retain the areas and locations of existing business and industrial zones,
- not reduce the total potential floor space area for employment uses and related public services in business zones, and
- not reduce the total potential floor space area for industrial uses in industrial zones.

Department of Planning and Infrastructure's Draft Centres Policy (2009)

The Draft Centres Policy, although never formally adopted, does provide the rationale for standard instrument business zones. It states;

"The corridors should be zoned B6 (Enterprise Corridor) zone:

- in out-of-centre locations along busy roads in urbanised areas to provide, and make effective use of, land that acts as a 'buffer' to residential areas;
- along the 'entrance' to regional towns and centres."

Department of Planning Practice Note: PN11-002

The following supportive information for the application of the B6 Enterprise Corridor was provided by the Department of Planning and Infrastructure.

"The zone is generally intended to be applied to land where commercial or industrial development is to be encouraged along main roads such as those identified by the metropolitan, regional and subregional strategies. The zone provides for uses such as 'business premises,'

'hotel or motel accommodation', 'light industries,' 'hardware and building supplies,' 'garden centres' and 'warehouse or distribution centres.' Retail activity needs to be limited to ensure that Enterprise Corridors do not detract from the activity centre hierarchy that has been identified or planned.

Opportunities for urban consolidation along busy roads may be pursued and some residential accommodation uses may be included in this zone, if considered appropriate. In 2011, a zone direction was included to clarify that where any type of residential accommodation is included in the land use table, an additional zone objective must also be included relating to the provision of residential uses 'only as part of a mixed use development'."

Legislative context

MLEP2011

Clause 1.2– *Aims of the plan* state;

(h) To concentrate intensive urban land uses and trip generating activities in locations most accessible to transport and centres, strengthening activity centre and precinct hierarchies and employment opportunities.

B6 Enterprise Corridor

Objectives of zone

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.
- To provide for residential uses, but only as part of a mixed use development.

Existing uses

Figure 2 illustrates the diversity of uses already in the precinct. Figure 3 shows the permissibility of the existing uses in the B6 zone and Figure 4 shows permissibility if the zone were changed to B4 Mixed Use.

5.10 Heritage Conservation

The investigation area falls within a Heritage Conservation Area defined by the MLEP2011 and there are 5 heritage items.

Table 2: Heritage items within the Melbourne Street precinct.

Description	Address	Lot and DP	Significance	ID
Former hotel and stables	24-26 Melbourne Street	Lot 1, DP735763	Local	I67
George & Dragon Hotel	50 Melbourne Street	Lots 101 and 102, DP 1063918	Local	I68
Shop	82 Melbourne Street	Lot 1, DP 195193	Local	I69
Shop	84 Melbourne Street	Lots 501 and 502, DP 1098919	Local	I70
Former AJS Bank	120 Melbourne Street	Lot 25, DP 1141121	Local	I71
Caroline Chisholm Cottage	3 Mill Street	Lot 200, DP 877644	State	I72
Former Smith's Flour Mill	99–101 Newcastle Street	Lots 1–3, DP 785381; Lot 46, DP 996700	State	I78

Hunter Expressway

The opening of the Hunter Expressway in late 2013 will reduce the volume of traffic and change the type of vehicles travelling along the New England Highway through the LGA. This will fundamentally change the nature of the NEH by providing a less hostile corridor and with less travelling traffic. The reduction of traffic may result in a change of some uses that traditionally rely on a high volume of traffic such as hotel and motel accommodation, service stations and take away food and drink premises.

Maitland LGA

The strategic assessment for the review of the B6 zone in Melbourne Street prompted a review of the application of the zone generally throughout Maitland.

With the exception of Melbourne Street, East Maitland; Denton Park Drive, Rutherford and Weakleys Drive, Thornton, the B6 zone has been used sporadically along the NEH to accommodate uses that do not fit into other zones such as service stations, hotel and motel accommodation and take away food and drink premises. This is inconsistent with the objectives of the B6 zone and the DoPI's direction of the use of the B6 zone.

NSW Planning System Review

The NSW State Government is currently undertaking a comprehensive review of the NSW planning system. The review will include a new Act and Regulation and a reduced set of land use zones. It will require converting the existing set of land use zones in the Maitland LEP 2011 into the reduced set.

The new system is expected to commence in 2014.

EXISTING ZONES IN THE SI LEP		INDICATIVE ZONES IN THE LOCAL PLAN
RU1 Primary Production RU3 Forestry RU4 Primary Production Small Lots		Resource
RU2 Rural Landscape RU6 Transition E3 Environmental Management		Rural
R1 General Residential R2 Low Density Residential R3 Medium Density Residential	R5 Large Lot Residential R5 Village E4 Environmental Living	Residential (including Suburban Character Areas & areas with special ecological attributes)
R4 High Density Residential B4 Mixed use		Mixed Use
B1 Neighborhood Centre B2 Local Centre B3 Commercial Core	B8 Metropolitan Centre RE2 Private Recreation	Commercial
B6 Enterprise Corridor		Enterprise
B5 Business Development B7 Business Park		Employment
IN1 General Industrial IN2 Light Industrial	IN4 Working Waterfront W3 Working Waterways	Light Industrial
IN3 Heavy Industrial		Heavy Industrial
E1 National Parks and Nature Reserves E2 Environmental Conservation	W1 Natural Waterways	Environmental Protection & Hazard Management
RE1 Public Recreation W2 Recreational Waterways		Open Space and Recreation
SP2 Infrastructure		Infrastructure
SP1 Special Activities SP3 Tourist		Special Purpose

Figure 1: Proposed changes to zones under the new planning system.

Discussion

Melbourne Street

There is conflicting direction relating to the future of the Melbourne Street precinct. However, the consistent message is that the mixture of uses – commercial, retail, light industry and higher density residential is appropriate for the precinct. With the exception of higher density residential, the precinct is already a mixture of uses. Hill PDA indicates that an increase of floor space for commercial and retail purposes of up to 8000m² could be accommodated in the core of the precinct. This is at odds with the direction to minimise retail uses in B6 Zones and to direct retail uses to existing centres.

The precinct is expected to experience a significant drop in traffic volumes and in particular heavy vehicles travelling along the New England Highway on the opening of the Hunter Expressway. However the northern section of Melbourne Street will continue to be well trafficked because of the third river crossing, the development it serves and other key destinations north of the City.

The existing land uses reflect an inertia towards vehicle related light industries although there are some other industries and retail scattered throughout the precinct. There is no higher density residential in the precinct despite the policy setting to encourage this type of use. It is unlikely that the area will attract higher density residential given that the precinct does not enjoy an aesthetic advantage over other areas in the LGA. Its proximity to East Maitland rail station may be advantageous in the future however it is unlikely to drive residential intensification in the precinct in the short-medium term.

A B4 Mixed Use zone over this would better reflect the existing uses in Melbourne Street and is consistent with the strategic direction provided MUSS, Maitland Centres Study and the Activity Centres and Employment Clusters Strategy.

Maitland LGA

Maitland currently uses six of the available seven business zones. Under the new planning system expected to commence in 2014, the number of available business zones will be reduced to four, thereby requiring Council to consolidate its existing zones and review permissible land uses.

Whilst there is some justification to revisit the use of B6 across the LGA, particularly where it has been applied to individual sites along the NEH, it is recommended that this be deferred until the new planning system is installed.

Ahead of this change it is appropriate to consider the change of zone for the Melbourne Street precinct from B6 to B4.

Recommendation

1. Prepare a planning proposal to rezone the Melbourne Street Precinct from B6 Enterprise Corridor to B4 Mixed Use.

Existing uses

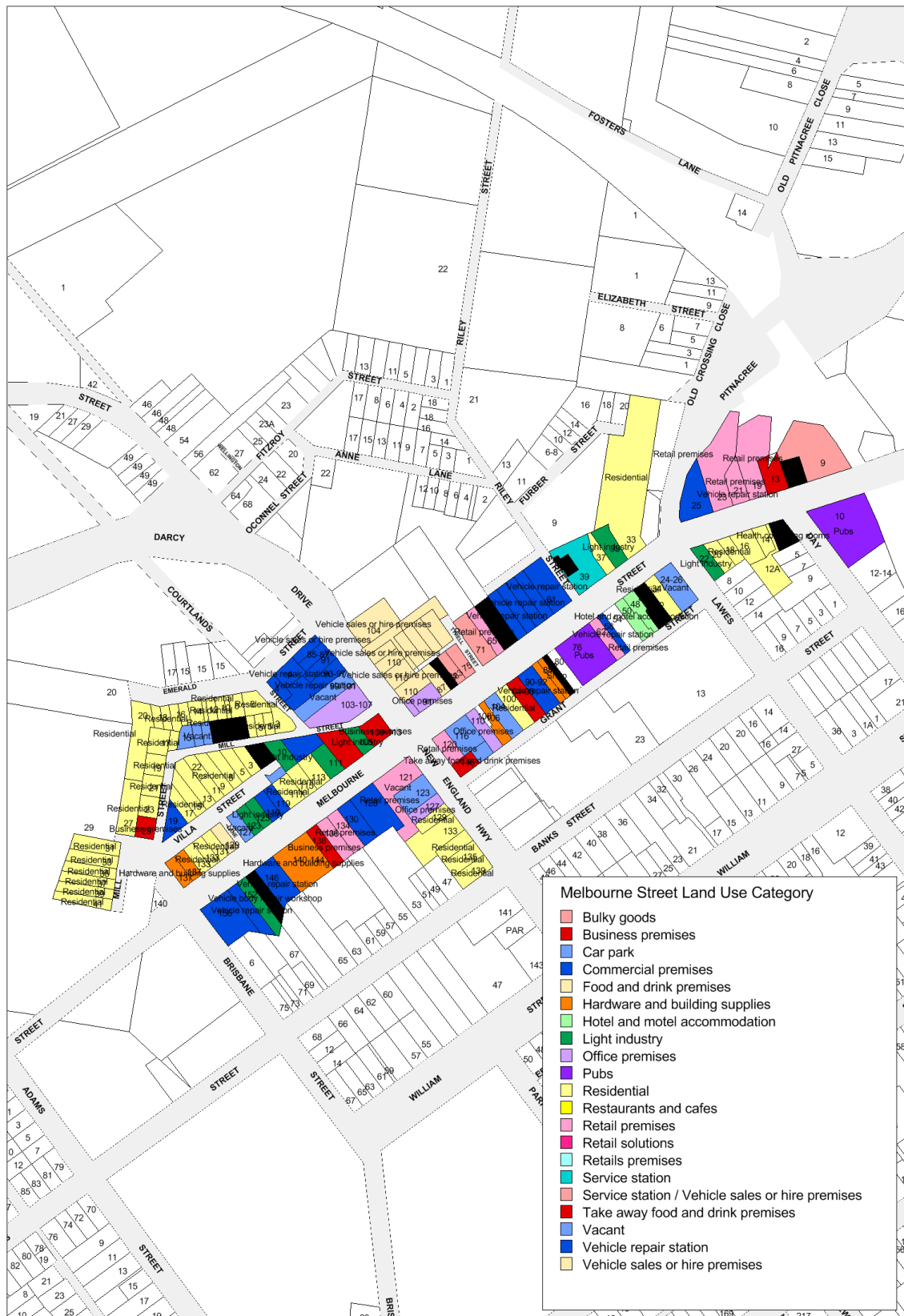


Figure 2: Existing uses.

B6 Mixed Use – Permissibility Existing uses.



Figure 3: Permissibility of existing uses in B6 Enterprise Corridor zone.

B4 Mixed Use – Existing uses permissibility.



Figure 4: B4 Mixed Use – Existing uses permissibility.

APPENDIX TWO. MINUTES OF COUNCIL MEETING

10.8 REVIEW OF B6 ENTERPRISE CORRIDOR ZONE AND MELBOURNE STREET

File No:	103/155
Attachments:	1. Locality Plan 2. Discussion Paper
Responsible Officer:	Bernie Mortomore - Executive Manager Planning, Environment and Lifestyle Ian Shillington - Manager Urban Growth
Author:	Rob Corken - Strategic Town Planner
Maitland +10	Outcome 11. Our transport and telecommunications infrastructure
Council Objective:	11.2.1 To connect land use and transport decisions that affect employment areas

EXECUTIVE SUMMARY

The review of the Melbourne Street land use zone is an initiative of the Council's delivery plan (11.2.1). Officers have undertaken a review of the B6 Enterprise Corridor zone in Melbourne Street, East Maitland and across the Local Government Area (LGA) generally. A copy of the discussion paper is attached to this report.

The B6 Enterprise Corridor zone is applied at three (3) locations in the LGA: Melbourne Street, East Maitland, Weakley Drive, Thornton and Denton Park Drive, Rutherford. It is also applied to individual sites along the New England Highway to accommodate land uses that are prohibited in an adjoining zone.

An assessment of the strategic direction provided by the Maitland Urban Settlement Strategy, Maitland Centres Study and Activity Centres and Employment Clusters Strategy and a review of the existing land uses in Melbourne Street supports a change of zone in that location to B4 Mixed Use.

In relation to the other B6 zones across the LGA, there is justification to revisit the use of the B6 Enterprise Corridor zone at these locations however given the major changes proposed for NSW Planning System in 2014 it will be more efficient to wait until that time.

A locality plan of the precinct is attachment 1 to this report.

OFFICER'S RECOMMENDATION**THAT**

1. Pursuant to s55 of the Environmental Planning and Assessment Act 1979 Council prepare a planning proposal to rezone the Melbourne Street precinct from B6 Enterprise Corridor to B4 Mixed Use.

COUNCIL RESOLUTION**THAT**

1. Pursuant to s55 of the Environmental Planning and Assessment Act 1979 Council prepare a planning proposal to rezone the Melbourne Street precinct from B6 Enterprise Corridor to B4 Mixed Use.

Moved Clr P Garnham, Seconded Clr B Whiting

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 R Aitchison	Against:
	Clr L Baker	
	Clr P Blackmore	
	Clr B Burke	
	Clr P Garnham	
	Clr B Geoghegan	
	Clr A Humphery	
	Clr H Meskauskas	
	Clr N Penfold	
	Clr P Penfold	
	Clr S Procter	
	Clr K Wethered	
	Clr B Whiting	

APPENDIX THREE. DRAFT FLOOD RISK MANAGEMENT PLAN

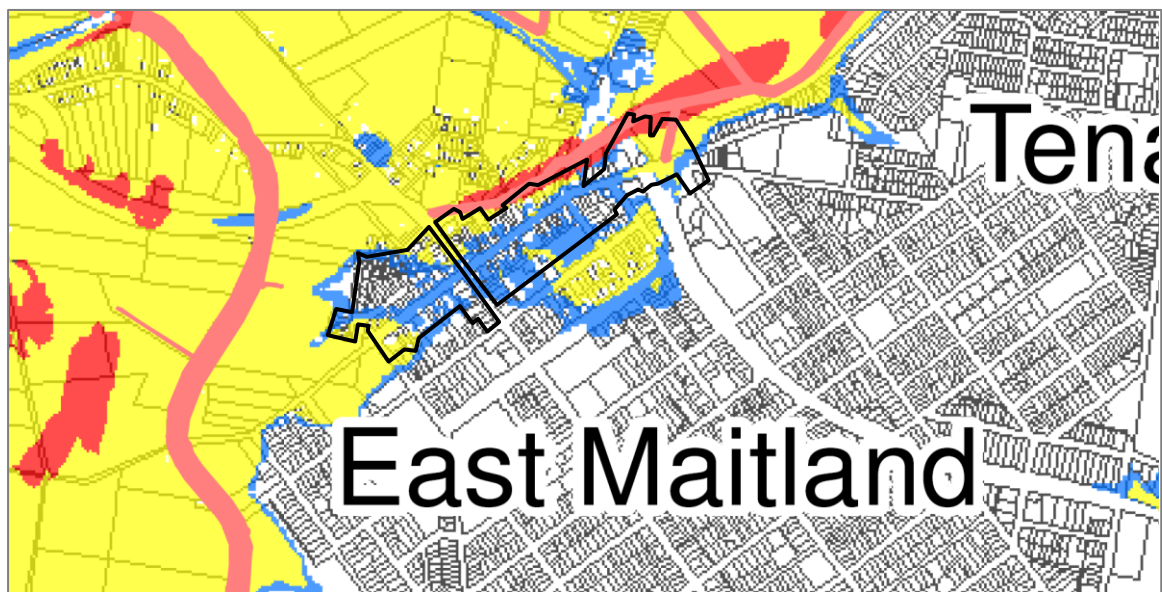
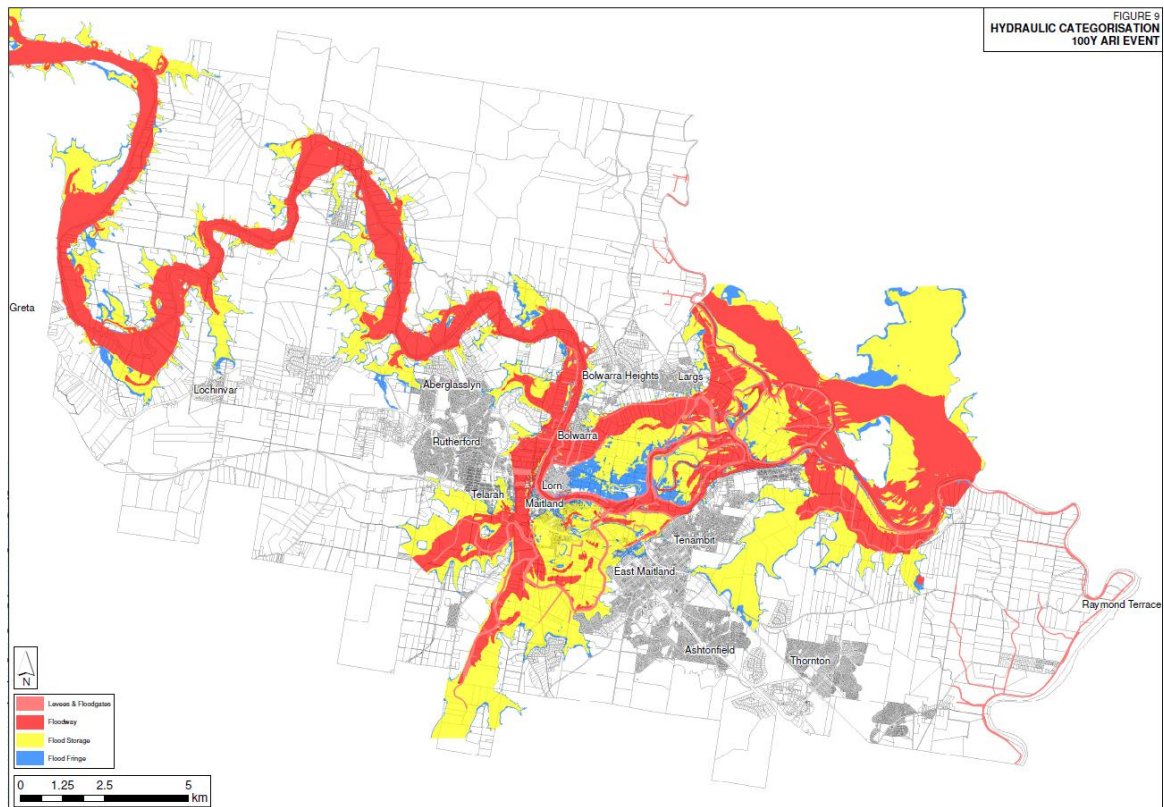


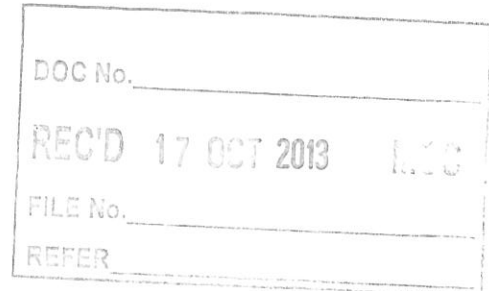
Figure 5: Hydraulic categorisation 100Y ARI Event – Hunter River Floodplain Risk Management Study and Plan DRAFT – June 2013.

APPENDIX FOUR. STATE AGENCY RESPONSE (RMS)

15 October 2013

SF2011/001395
CR2013/007323

General Manager
Maitland City Council
PO Box 1906
MAITLAND NSW 2320



Attention: Mr Rob Corken

**PLANNING PROPOSAL – GATEWAY DETERMINATION FOR DRAFT MAITLAND LEP 2011
AMENDMENT TO REZONE LAND IN THE MELBOURNE STREET PRECINCT, MELBOURNE
STREET, EAST MAITLAND**

Dear Mr Corken

I refer to your letter dated 30 September 2013 regarding the proposed amendment to the Maitland Local Environmental Plan 2011 (your reference 103/155).

Roads and Maritime Responsibilities

In accordance with the *Roads Act 1993*, Roads and Maritime has powers in relation to road works, traffic control facilities, connections to roads and other works on the classified road network. Melbourne Street (MR104) is a Classified (State) road. Roads and Maritime has the opportunity to comment within 21 days in accordance with the Gateway Determination issued by the Department of Planning and Infrastructure, under section 56(2) (d) of the EP & A Act.

Roads and Maritime Response

Roads and Maritime has no objections to the reclassification of the subject land from 'B6 Enterprise Corridor' to 'B4 Mixed Use' in the subject Local Environmental Plan.

Please contact me on 4924 0688 if you require further advice.

Yours sincerely,


Dave Young,
Manager Land Use
Hunter Region

Roads & Maritime Services