

11.3 AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE

FILE NO:	103/115
ATTACHMENTS:	1. Planning Proposal 2. Draft Precinct Plan
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MAITLAND +10	Outcome 6. Built heritage and sustainable development
COUNCIL OBJECTIVE:	6.1.1 To encourage orderly, feasible and equitable development whilst safeguarding the community's interests, environmentally sensitive areas and residential amenity.

EXECUTIVE SUMMARY

The Maitland Development Control Plan 2011 (MDCP2011) requires that a precinct plan for the Chisholm Neighbourhood Centre be adopted before a development application can be determined on the site. A precinct plan has been prepared and is ready to be exhibited. When adopted the precinct plan will be included in the MDCP2011 and inform the development outcome on the site.

An amendment to the Maitland Local Environmental Plan 1993 in 2010 rezoned 2.5Ha of land in Chisholm to 3(a) General Business and applied a 0.5:1 Floor Space Ratio to cap the maximum floorspace at 12,500m². However, an error occurred during the drafting of the Maitland Local Environmental Plan 2011 that increased the area of the business zone to 3.9Ha.

The planning and development of the Chisholm area has now defined the road layouts and the cadastral boundaries. The area envisaged as the neighbourhood centre is enclosed by Settlers' Boulevard, Tigerhawk and Heritage Drives and an unnamed road to the south. The total area bounded by the roads described above is 4.2Ha and it has resulted in a strip of R1 General Residential zoned land along Settlers' Boulevard. The strip of residential zoned land complicates the planning and development of the centre and it invites the use of various planning mechanisms to achieve a greater floor space than was envisaged for the centre. Therefore, it is recommended that the 4.2Ha defined above is zoned to B1 Neighbourhood Centre and a FSR of 0.3:1 is applied. This will result in a maximum floorspace of 12,600m² over the site.

The height of building control (HOB) for the site is set at 8.0m. However, due to the extent and topography future buildings may exceed this control in places. Therefore it is recommended that the HOB control be removed from the LEP and be subject to a merit assessment.

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

A request to include "Recreation facility (indoor)" as a "Permitted with consent" use in the B1 Neighbourhood Centre land use zone has also been received. This request would enable Council to consider a gymnasium in the B1 zone as well as other indoor recreation uses. This is considered appropriate.

This report seeks approval to exhibit the attached amendment to the MDCP2011 to introduce development provisions for the Chisholm Neighbourhood Centre and to seek a Gateway Determination from the Department of Planning and Environment to amend the MLEP2011 to facilitate a development outcome on the site.

OFFICER'S RECOMMENDATION

THAT COUNCIL

- 1. Pursuant to clause 18 of the Environmental Planning and Assessment Regulation 2000, exhibit the attached amendment to the Maitland Development Control Plan for the Chisholm Neighbourhood Centre Precinct for a period of 28 days.**
- 2. Pursuant to s56 of the Environmental Planning and Assessment Act 1979, Council forward the attached planning proposal to the Minister for Planning requesting a gateway determination.**
- 3. Council undertakes community consultation in accordance with the gateway determination.**
- 4. A report is brought back to Council detailing the results of the community consultation.**

REPORT

This report addresses a number of issues relating to the Chisholm Neighbourhood Centre.

Precinct Plan

A precinct plan is required for the Chisholm Neighbourhood Centre before Council can determine a development application on the site. The precinct plan provides guidance on key design and planning principles that should inform any future development. The plan will be incorporated into the Maitland DCP2011.

A precinct plan has been prepared and it is considered ready for public exhibition. A copy of the draft precinct plan is attached to this report.

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

Key principles of the plan are:

- A staged development plan to respond to the growing needs of the Chisholm community.
- A strong connection to the surrounding nodes such as the school and open space.
- A commitment to high quality architectural and urban design outcomes.
- The inclusion of public space “a town square” to provide a focal point for the community.
- The provision of a bus facility and a strong connection to pedestrian and cycling networks.
- A commitment to undertake additional work on traffic management and economic impact assessment.

The exhibition and adoption of the precinct plan before the finalisation of the planning proposal will allow Council to consider a development application for stage 1 of the centre. Stage 1 will be wholly confined to the existing B1 zoned land.

Planning proposal (Various issues)

The Chisholm Neighbourhood Centre was rezoned to 3(a) General Business under the Maitland Local Environmental Plan 1993. The area of the centre was 2.5Ha. Clause 22 (1A) limited the floor space ratio of the site to 0.5:1. Therefore, a maximum floor space of 12,500m² could be achieved on the site.

In 2011 Council replaced the MLEP1993 with the MLEP2011. The new LEP was drafted in the Standard Instrument format mandated by the State Government. An unexplained error occurred during the drafting of the new LEP that resulted in the increase in the area of land zoned for B1 Neighbourhood Centre from 2.5Ha to 3.9Ha. There is no mechanism to correct the error without undertaking a rezoning proposal to amend the LEP. This is an option. However, since the original rezoning in 2010, the cadastre including the road reserves has been formalised. The centre is now enclosed by Settlers' Boulevard, Heritage and Tigerhawk Drives and an unnamed road to the south and includes a 40m wide R1 General Residential zone along Settlers' Boulevard (refer figure 1).

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

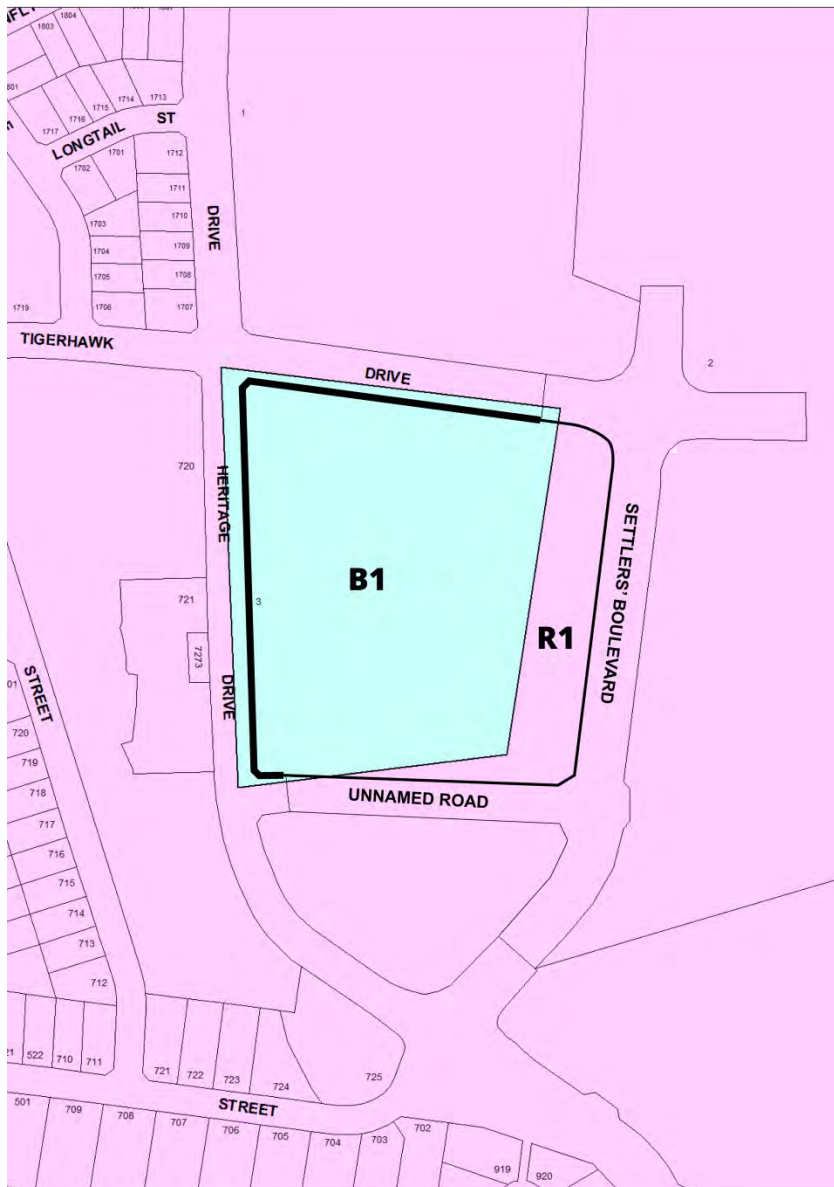


Figure 1: Existing land use zones around the Chisholm Neighbourhood Centre.

Whilst it was anticipated that the centre could include some residential uses, the inclusion of the R1 zoned land complicates the planning process and it invites the use of various planning mechanisms to achieve a greater floor space than was envisaged. For example, childcare centres and medical centres are permitted in the R1 General Residential area. However, these uses would not contribute to the floorspace ratio. Furthermore, clause 5.3 *Development near zone boundaries* allows Council, with exception, to approve land uses permitted on one side of a zone to extend into an adjoining zone by a maximum of 20m. As there is no FSR control on the R1 General Residential the floor space of any extension would not be counted.

There are a number of options that Council could pursue to address this situation. These are outlined below:

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

Option 1 – rezone the area of B1 back to 2.5Ha

This option will not be supported by the owners of the land and would not be consistent with the draft precinct plan prepared for the site.

It would also result in the increase of residentially zoned land between Settlers' Boulevard and the B1 Zone. This residentially zoned area could accommodate commercial land uses such as childcare centres and medical centres that would not be counted in the floor space. Furthermore, clause 5.3 of the Maitland LEP allows Council to consider the extension of commercial uses into the R1 zone by a maximum of 20m. This would also not be counted in the FSR calculations.

Option 2 – no changes

This option would maintain the 3.9Ha area of B1 Neighbourhood Centre with Floor Space Ratio (FSR) and Height of Buildings (HOB) controls over 2.5Ha. This option would allow Council to assess building heights and floor space ratio in area between the 2.5Ha and 3.9Ha area on a merit basis. It would be possible for Council to restrict all building works to within the 2.5Ha area by applying a "0" FSR and "0m" HOB to the area outside the 2.5Ha area (Figure 1). However, this option may be difficult to practically apply.

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

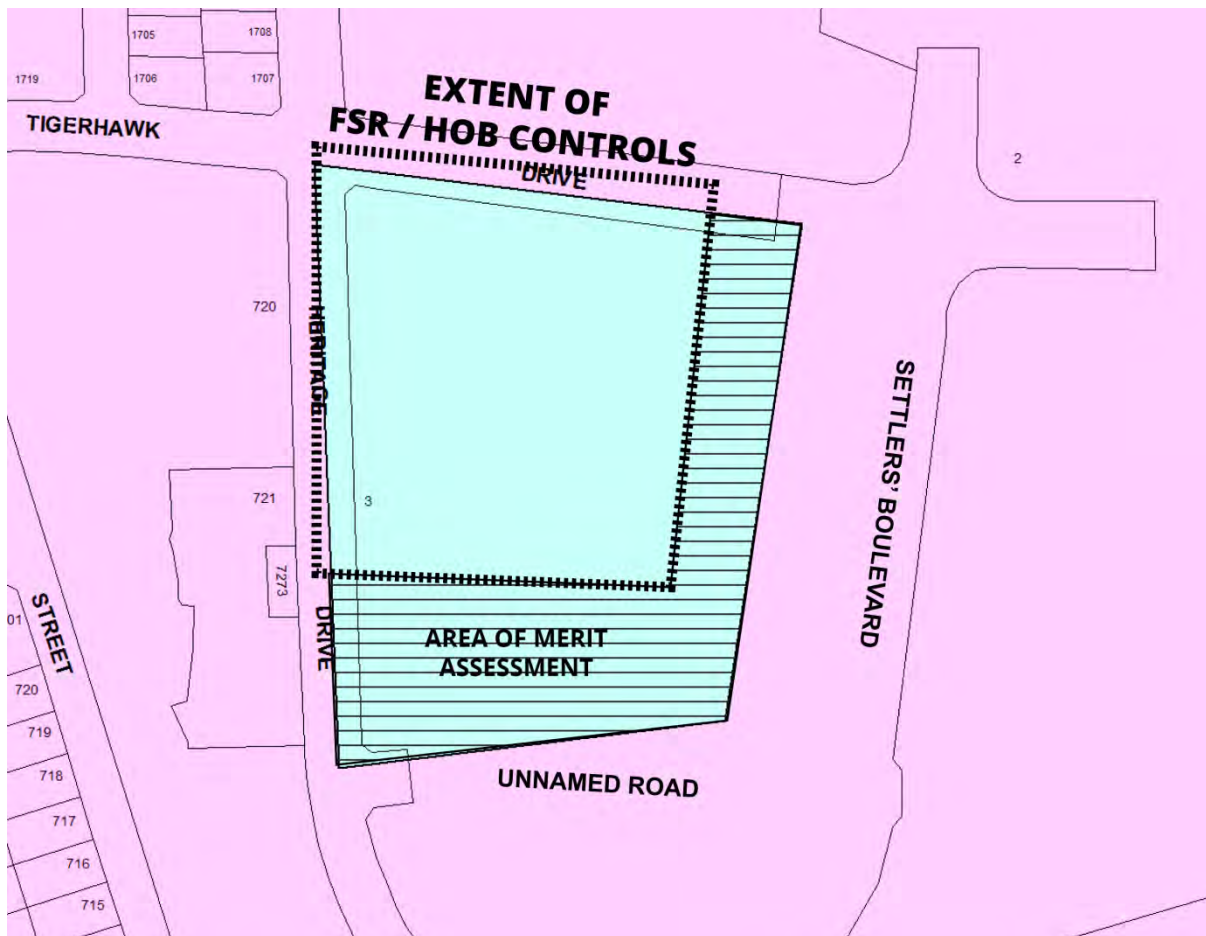


Figure 1: Merit based assessment option.

Option 3 – Expand FSR and HOB controls to the extent of the B1 Neighbourhood Centre (i.e. 2.5Ha to 3.9Ha)

This option would align the HOB and FSR development controls with the area of B1 Neighbourhood Centre. However, applying the 0.5:1 FSR ratio over 3.9Ha would result in a possible floor space of 19,500m² plus any floor space that is achieved for uses in or extending into the adjoining R1 zone. This far exceeds the 12,500m² facilitated in the MLEP1993. Reducing the FSR control is an option to 0.32:1. However this is an awkward FSR to enforce and it does not consider the additional potential floor space within the R1 zone.

Option 4 – Rezone all land bounded by the four roads and apply a 0.3:1 FSR (Recommended option)

This option would increase the area of B1 to 4.2Ha in total and remove all residentially zoned land. A maximum FSR control of 0.3:1 would be applied over the entire site. This would result in a maximum FSR of 12,600m² over the site and removes any ability to elicit additional floorspace. This option also allows the proponent greater freedom to locate uses within the site.

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

This is the preferred option and the subject as it:

- Will ensure that the floor space limit is regulated over the whole site;
- Will allow the proponents greater flexibility in the siting and design of the centre;
- Should result in a better design outcome for the centre and the neighbourhood; and
- Still allows residential uses within the centre as 'Shop Top Housing'.
- Provides a simple FSR i.e. 0.3:1 that only results in a minor increase in floor area (from 12,500m² to 12,600m²) Note: to achieve 12,500m² would require an impractical FSR of 0.2976:1.

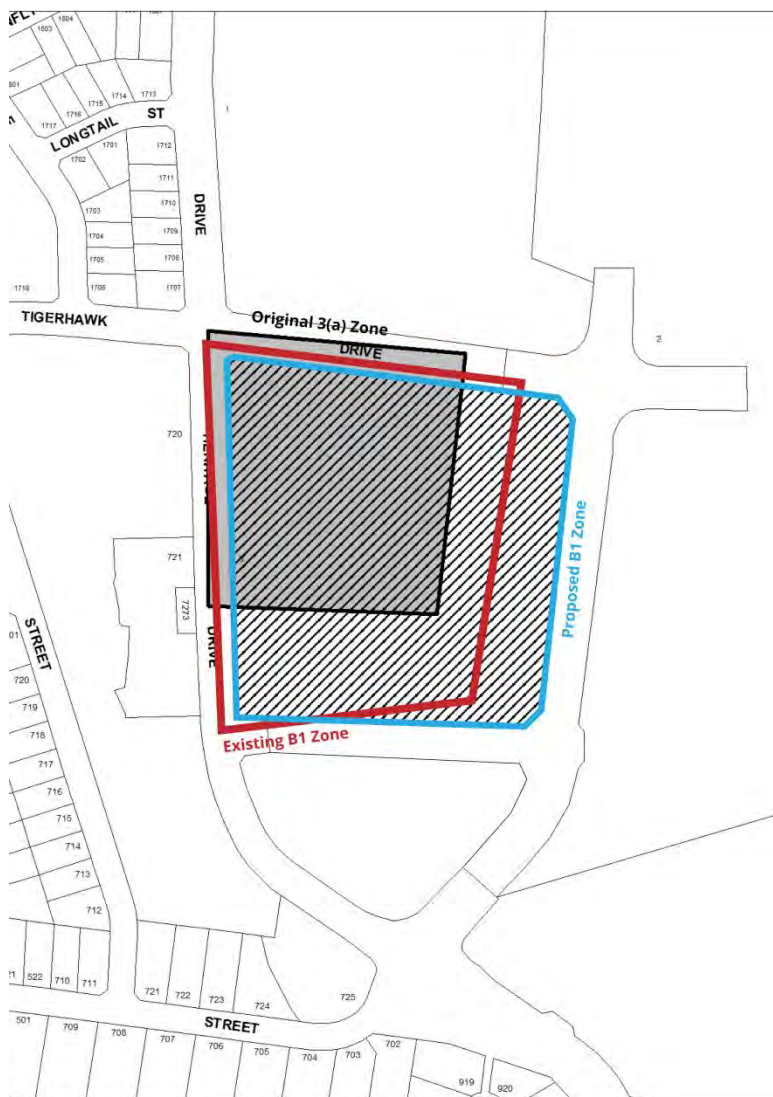


Figure 3: Comparison of the extent of the 3(a) General Business zone in the MLEP1993, the B1 Zone in the MLEP2011 and the proposed B1 zone extent under this proposal.

Height of Buildings

At present a maximum HOB of 8.0m applies over 2.5Ha of the site. It is considered that this control will contribute little to the built outcome of the site. The zone extent

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

and the FSR control should encourage a low-level development and there is little risk of overbearing on sensitive land uses. The topography of the site may cause buildings to exceed this control in some areas of the site. Therefore, it is proposed to remove the control and leave it to merit assessment at the development application stage.

Recreation Facility (Indoor)

A request has been made to add *Recreation Facility (indoor)* to the list of 'Permitted with consent' uses in the B1 Neighbourhood Zone. The request is to allow Council to consider gymnasiums within these zones.

Recreation Facility (indoor) is permitted with consent in all other business zones. It is considered an appropriate inclusion as a 'permitted with consent' use in the B1 Neighbourhood Centre as well.

A planning proposal is required to affect these changes to the Maitland LEP 2011. In summary, the attached planning proposal seeks to:

- Rezone all land bounded by Settlers' Boulevard, Tigerhawk and Heritage Drives and the unnamed road to the south from B1 Neighbourhood Centre and R1 General Residential to B1 Neighbourhood Centre.
- Remove the 0.5:1 FSR that currently applies to part of the site and apply a FSR 0.3:1 across the whole site.
- Remove the Height of Buildings Control that currently applies to part of the site.
- Add *Recreation Facility (indoor)* to the list of 'Permitted with consent' uses in the B1 Neighbourhood Zone.

It is proposed to:

1. Exhibit the attached amendment to the MDCP2011 for a period of 28 days; and
2. Request a gateway resolution from the Minister of Planning to amend the MLEP2011 in accordance with the attached planning proposal; and
3. Report to Council with the results of the community consultation.

CONCLUSION

The precinct plan and the proposals to amend the MLEP2011 should encourage and facilitate the creation of a well-designed neighbourhood centre for the Chisholm community.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

STATUTORY IMPLICATIONS

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

Planning, Environment and Lifestyle Reports

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE

Planning Proposal

Meeting Date: 8 November 2016

Attachment No: 1

Number of Pages: 23

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)



PLANNING PROPOSAL

AMENDMENT TO THE MAITLAND LEP 2011

**CHISHOLM NEIGHBOURHOOD CENTRE
SETTLERS' BOULEVARD, CHISHOLM**

(Lot 3 DP1220220)

**Version 1
November 2016**



AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

CONTENTS

INTRODUCTION	1
PART 1: OBJECTIVES OR INTENDED OUTCOMES	4
PART 2: EXPLANATION OF PROVISIONS.....	4
PART 3: JUSTIFICATION FOR PROPOSED REZONING.....	4
SECTION A – NEED FOR THE PLANNING PROPOSAL	4
SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK.....	7
SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT	9
SECTION D – STATE AND COMMONWEALTH INTERESTS	10
PART 4: DRAFT LEP MAPS	11
PART 5: COMMUNITY CONSULTATION.....	19
PART 6: TIMEFRAMES	20

Version 1.0 – 8 November 2016 (For Section 55 Council Report)

Tables

Table 2: s117 Directions.	8
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AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

INTRODUCTION

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 (MLEP 2011) to:

1. Change the LZN, LSZ, FSR and HOB map series to reflect changes in the extent of the B1 Neighbourhood Centre zone and associated controls for the Chisholm Neighbourhood Centre.
2. Add "Recreation Facility (Indoor)" as a permitted with consent use in the B1 Neighbourhood Centre zone.

BACKGROUND

Chisholm Neighbourhood Centre is part of the Thornton North Urban Release Area.

Council commissioned Hill PDA to undertake a Maitland Centres Study in 2009. The Centres Study states in relation to the Chisholm Neighbourhood Centre:

"In light of constraints in Thornton Town Centre, it is recommended that a new village centre is planned for development commensurate with residential development in the Thornton North Release Area. If planned appropriately, a new village centre in Thornton North could support (rather than compete) with the existing Thornton Town Centre.

A centre in this location would provide a range of retail, business and community uses that serve the retail convenience needs of the local community. It would also provide a diversity of choice and local sustainable shopping options that reduce the need to travel to larger centres for top up or convenience shopping. Our retail analysis suggests that a centre in the order of 2,000 sqm to 4,000 sqm would be appropriate."

In 2010 Council prepared the Activity Centres and Employment Clusters Strategy. In relation to Chisholm the Strategy states:

"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."

On 24 November 2009 a report to Council recommended that a 3.2ha area in Chisholm be rezoned to 3(a) General Business. The area was intended to accommodate a variety of retail and commercial uses, some live/work units, associated 'at-grade' car parking, landscaping and



AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

servicing such as roads and loading areas. The report considered the draft Maitland Centres Strategy 2009.

Council resolved to *“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.”*

In September 2010, amendment 105 of the Maitland Local Environmental Plan 1993 rezoned a reduced area (2.5ha) from 2(a) Residential to 3(a) General Business. Furthermore, clause 22 (1A) was added to regulate the maximum FSR: *“A maximum floor space ratio of 0.5:1 applies in the Chisholm Local Centre, as shown edged heavy black on the map marked ‘Maitland Local Environmental Plan 1993 (Amendment No 105)’ deposited in the office of Maitland City Council.”*. Therefore, the maximum floor space intended for the centre was 12,500m².

In 2006 the State Government issued the Standard Instrument (Local Environmental Plans) Order. This order set out how all local environmental plans in NSW were to be standardised. In 2011, Maitland Local Environmental Plan 2011 replaced the Maitland Local Environmental Plan 1993. During the process of drafting the new LEP an unexplained mapping error occurred that increased the area of the B1 zone from 2.5Ha in the Maitland LEP 1993 to 3.9Ha in the Maitland LEP 2011. The other controls for both FSR and HOB remained mapped at 2.5Ha.

Since the rezoning of the land for a neighbourhood centre, Chisholm has been developed and cadastral boundaries of properties and roads have been established. The area that has been rezoned sits within Tigerhawk Drive, Heritage Drive and an unnamed road to the south. Between the B1 zone and Settlers’ Boulevard is a 40m strip (approximately) of R1 General Residential zoned land. The 2009 plan (**Error! Reference source not found.**) envisaged that this land would be occupied by residential, home office type uses. However, this type of development is unlikely to occur in this location and it is difficult to require or enforce.

The existence of the strip of R1 land complicates the planning of the centre and risks supporting a significantly higher floor space than was envisaged for the centre. There are a number of commercial-type uses such as medical centres and childcare centres that are permitted with consent on R1 General Residential zoned land. As there is no FSR control over the R1 zoned land any floorspace for these types of uses would not be counted in the FSR calculation for the site.

Another risk to the development of the site is by clause 5.3 of the MLEP2011 that allows uses that are permitted in one zone to extend over an adjoining zone by a maximum of 20m. This would allow uses permitted in the B1 zone to extend over into the R1 zone by 20m. This additional area would not be counted as floorspace.

Within the existing policy framework there is little means to ensure that the floorspace on the site is capped at the 12,500m² level envisaged in the amendment 105 to the Maitland LEP.

Therefore, it is proposed to rezone all the land enclosed by Tigerhawk Drive, Heritage Drive, Settlers’ Boulevard and the unnamed road to B1 Neighbourhood Centre. This is a total area of 4.2Ha. A FSR of 0.3:1 would be applied to the whole area thereby constraining the floor space to 12600m².

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

A height of buildings (HOB) of 8.0m applies to part of the site. However, the topography of the site and the area that it covers does not lend itself to a prescriptive control. Therefore, it is proposed to remove the HOB control over the site and to leave this to a merit assessment during the development approval process.

A request has also been received to permit Recreation Facility (Indoor) as a permitted with consent use within the B1 Neighbourhood Zone. This would permit a gymnasium and other indoor recreational uses to be considered in that zone. Recreation Facility (Indoor) is permitted with consent in all other business zones. It is considered an appropriate use in the B1 Neighbourhood zone also.

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

PART 1: OBJECTIVES OR INTENDED OUTCOMES

The objectives of the proposal are to amend the Maitland Local Environmental Plan 2011:

- to facilitate the precinct plan for the Chisholm Neighbourhood Centre;
- to reflect the cadastral boundaries of the site;
- to ensure the development of the centre is consistent with previous Council resolutions; and
- to remedy a previous error in mapping for the Chisholm Neighbourhood Centre.

PART 2: EXPLANATION OF PROVISIONS

The planning proposal seeks:

1. To amend the LZN_006A map to increase the area of the B1 Neighbourhood Centre zone to fill the area defined by Tigerhawk Drive, Settlers Boulevard, Heritage Drive and the unnamed road to the south of the site.
2. To apply a new FSR_006A of 0.3:1 over the area of B1 Neighbourhood Centre.
3. To remove the HOB controls for the site.
4. To remove the LSZ controls over the area.

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?

The planning proposal is not the result of a strategic study or report.

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

Council has considered many options to resolve the error in the area of the B1 Neighbourhood Centre that occurred. There are a number of ways to achieve this. However, each of these introduces complexity and risk. The preferred approach that is presented in this planning proposal is considered the simplest, most effective means to enforce the floor space that was originally facilitated by the Maitland Local Environmental Plan 1993. A brief discussion of the options is provided below.

Option 1 – rezone the area of B1 back to 2.5Ha

This option will not be supported by the owners of the land.

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

It would also result in the increase of residentially zoned land between Settlers' Boulevard and the B1 Zone. This residentially zoned area could accommodate commercial land uses such as childcare centres and medical centres that would not be counted in the floor space. Furthermore, clause 5.3 of the Maitland LEP allows Council to consider the extension of commercial uses into the R1 zone by a maximum of 20m. This would also not be counted in the FSR calculations.

Option 2 – no changes

This option would maintain the 3.9Ha area of B1 Neighbourhood Centre with Floor Space Ratio (FSR) and Height of Buildings (HOB) controls over 2.5Ha. This option would allow Council to assess building heights and floor space ratio in area between the 2.5Ha and 3.9Ha area on a merit basis. It would be possible for Council to restrict all building works to within the 2.5Ha area by applying a "0" FSR and "0m" HOB to the area outside the 2.5Ha area (Figure 1). However, this is unlikely to be supported.

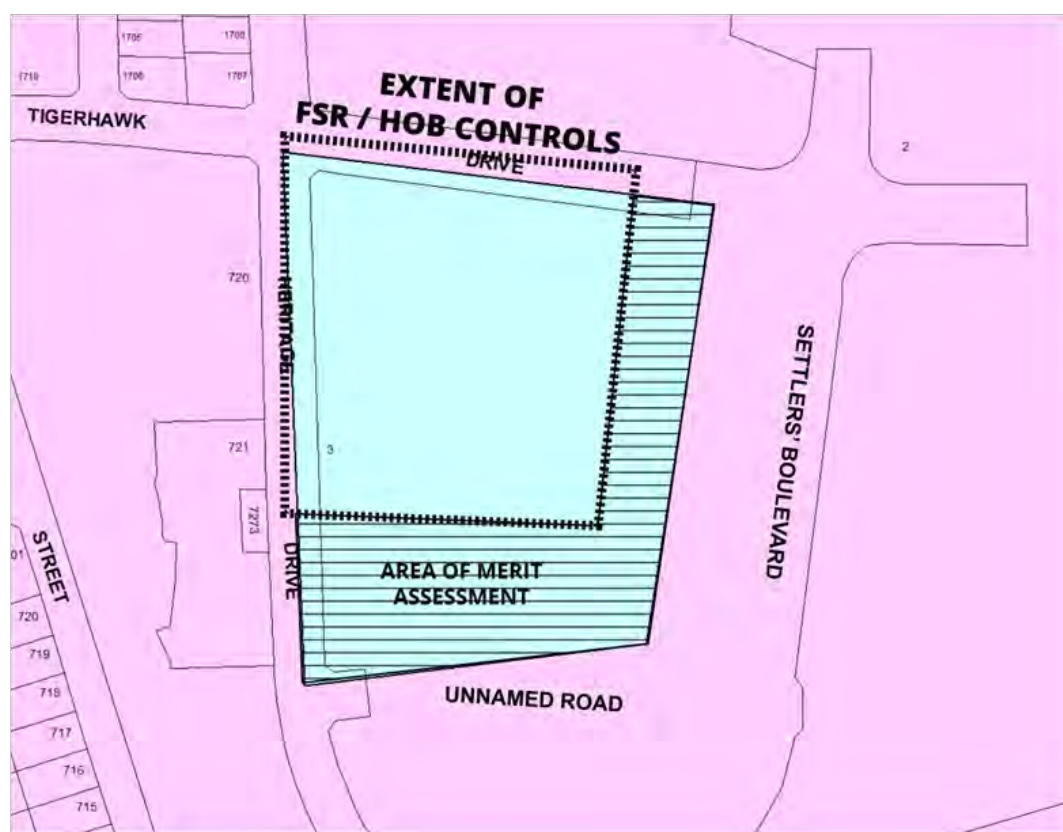


Figure 1: Merit based assessment option.

Option 3 – Expand FSR and HOB controls to the extent of the B1 Neighbourhood Centre (i.e. 2.5Ha to 3.9Ha)

This option would align the HOB and FSR development controls with the area of B1 Neighbourhood Centre. However, applying the 0.5:1 FSR ratio over 3.9Ha would result in a

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

possible floor space of 19,500m² plus any floor space that is achieved for uses in or extending into the adjoining R1 zone. This far exceeds the 12,500m² facilitated in the MLEP1993. Reducing the FSR control is an option to 0.32:1. However this is an awkward FSR to enforce and it does not consider the additional potential floor space within the R1 zone.

Option 4 – Rezone all land bounded by the four roads and apply a 0.3:1 FSR (Recommended option)

This option would increase the area of B1 to 4.2Ha in total and remove all residentially zoned land. A maximum FSR control of 0.3:1 would be applied over the entire site. This would result in a maximum FSR of 12600m² over the site and removes any ability to elicit additional floorspace. This option also allows the proponent greater freedom to locate uses within the site.

This is Council's preferred option and the subject of this planning proposal.

Height of buildings and the inclusion of Recreation Facility (Indoor) as a permitted with consent use in the B1 Neighbourhood Centre zone

At present a maximum HOB of 8.0m applies over 2.5Ha of the site. It is considered that this control will contribute little to the built outcome of the site. The zone extent and the FSR control should encourage a low-level development and there is little risk of overbearing on sensitive land uses. The topography of the site may cause buildings to exceed this control in some areas of the site. Therefore, it is proposed to remove the control and leave it to merit assessment at the development application stage.

A request has also been made from the proponents to include Recreation Facility (Indoor) as a permitted with consent use in the B1 Neighbourhood Centre to allow the consideration of gym within the development. Recreation Facility (Indoor) is permitted in all other business zones. It is considered an appropriate land use in a centre. Therefore it is recommended that Recreation Facility (Indoor) be permitted with consent in the B1 Neighbourhood Centre zone.

3. Is there a net community benefit?

No net community benefit test has been undertaken as part of this planning proposal. However, the Chisholm Neighbourhood Centre is considered an important facility to service the needs of the growing Chisholm/Thornton North community.

The resolution of these land use issues will enable development of the centre to commence. The centre will provide retail, entertainment and commercial uses and it will become a focal point for the community.

Therefore, it is considered that there will be a positive benefit to the Chisholm Community.

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

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?

Hunter Regional Plan 2036

The following directions are relevant to the proposal.

Relevant Direction	Response
Direction 17: Creating healthy built environments through good design.	The Chisholm Neighbourhood Centre will provide essential services and a focal point for the community. A draft precinct plan has been prepared. The centre is centrally located and very accessible by car, walking and cycling. The centre will include a bus set-down that will provide opportunities for interchange between different modes.
Direction 21: Create a compact settlement.	This centre is in the Thornton North Urban Release Area. It is a key component of the Maitland Corridor Growth area.

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

Maitland +10 (Community Strategic Plan)

The proposal supports the objectives of the Council's community strategic plan (Maitland +10).

Maitland Urban Settlement Strategy 2012

The proposal is consistent with the Maitland Urban Settlement Strategy 2012. Thornton North is identified as one of Council's Urban Release Areas and is expected to house up to 10,000 people.

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

There are no relevant State Environmental Planning Policies.

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

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

Table 1: s117 Directions.

s117 DIRECTIONS	CONSISTENCY AND IMPLICATIONS
1. EMPLOYMENT AND RESOURCES	
1.1 Business and Industrial zones	Inconsistent
The objective of this direction is to protect employment land, encourage employment growth and support the viability of centres.	The proposal is generally consistent with the direction in that it seeks only to amend the B1 Neighbourhood Zone to ensure that the maximum allowable floor space originally permitted in the Maitland Local Environmental Plan 1993 for the centre is not exceeded due to a mapping error. The inconsistency only arises from 1.1(e) that requires that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning. The Maitland Urban Settlement Strategy 2012 was not endorsed by the Director-General of the Department of Planning. However, that is considered of minor significance and the proposal is consistent with the Hunter Regional Plan 2036. Therefore, it is considered that this inconsistency is justified.
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 proposal will remove an area of R1 General Residential. However, this area was unlikely to be used for residential purposes. It would most likely be used to achieve a greater area of commercial floor space by locating commercial uses such as childcare centre or a medical centre in the residential zone or employing clause 5.3 of the MLEP to extend uses into the R1 zone. Shop top housing is permitted with consent in the B1 Neighbourhood Centre zone. Therefore some residential outcome is possible. If pursued this would introduce a new and exciting residential product to the area.
3.4 Integrating Land Use and Transport	Consistent
The objectives relate to the location of urban land and its proximity to public transport	The Chisholm Neighbourhood Centre is centrally located and well serviced by road,



AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

s117 DIRECTIONS	CONSISTENCY AND IMPLICATIONS
infrastructure and road networks, and improving access to housing, employment and services by methods other than private vehicles.	shareways and pedestrian links. A bus set down area is proposed that will provide an opportunity for interchange between different modes.
5. 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 proposal is consistent with the relevant directions of the Hunter Regional Plan 2036.
6. LOCAL PLAN MAKING	
6.3 Site Specific Provisions	Consistent
The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The proposal simplifies the development controls that apply to the site.

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 is consistent with the intent of the Maitland Local Environmental Plan 1993 amendment that zoned 2.5Ha of land at Chisholm for a neighbourhood centre and applied a maximum FSR of 0.5:1 to the site. However, this amount of floor space (12,500m²) was inconsistent with the recommendations of the Maitland Centres Strategy 2009 at the time. Council updated that strategy in March 2016. In that update, Hill PDA raised concerns about the amount of floor space provided at Chisholm and recommended: *“The potential mix of retail and commercial offerings and the scale of any proposal would need to be carefully evaluated to ensure the continued viability of both [Thornton Town Centre and Chisholm Neighbourhood Centre] centres.”*

The proposed amendments to the Maitland Local Environmental Plan 2011 seek to reinforce this development control by limiting floor space on the site to 12,600m². However, a requirement will be included in the development control plan that a comprehensive economic impact assessment accompanies all development applications in the Chisholm Town Centre.

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

SECTION D – STATE AND COMMONWEALTH INTERESTS

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

The site is within the Thornton North Urban Release Area that is serviced with all necessary public infrastructure to support the centre.

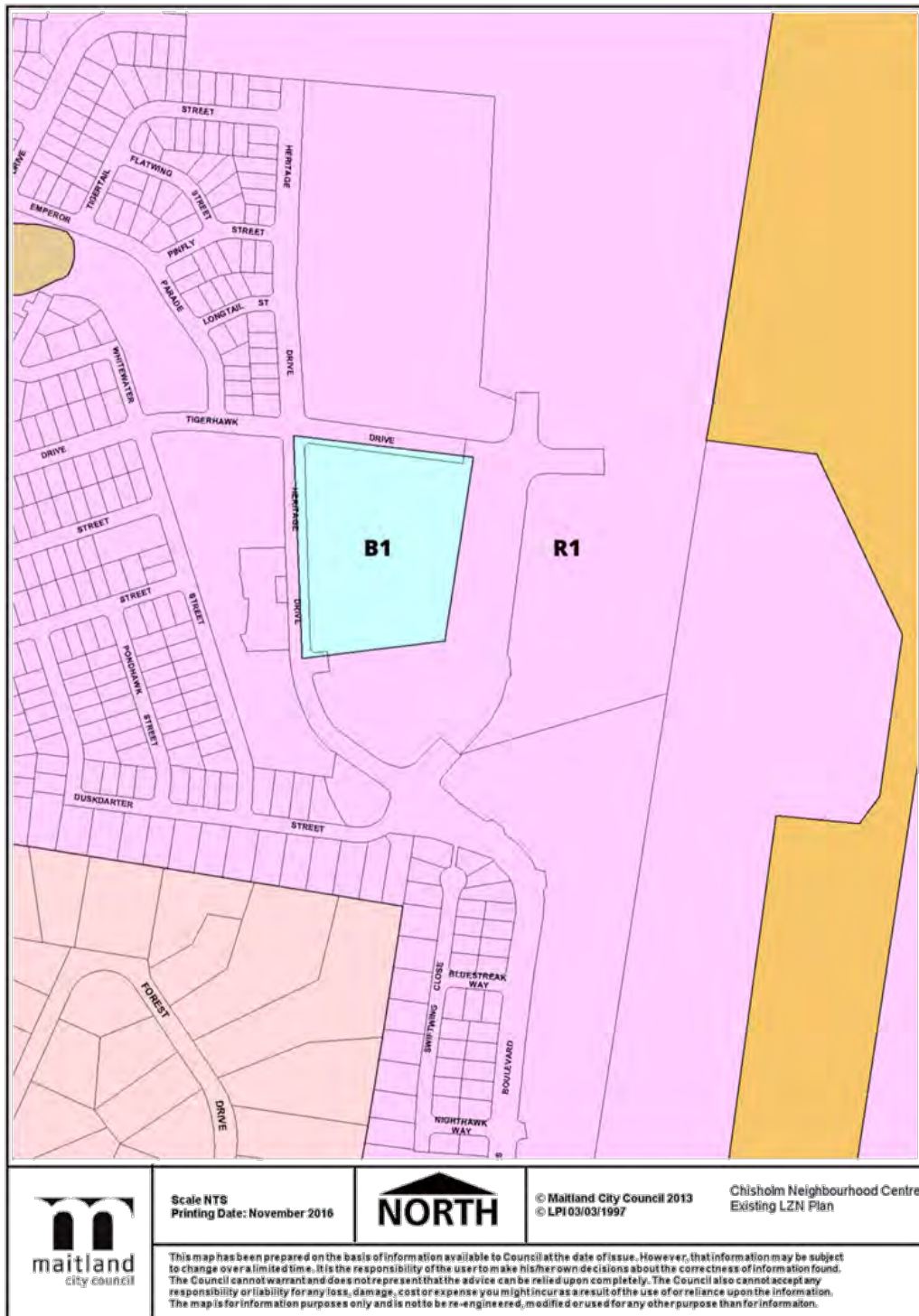
12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

No formal consultation with State and Commonwealth authorities has been undertaken at this stage. Consultation will occur in accordance with the conditions outlined in the Gateway Determination. However, consultation with other state agencies is not expected for this proposal.

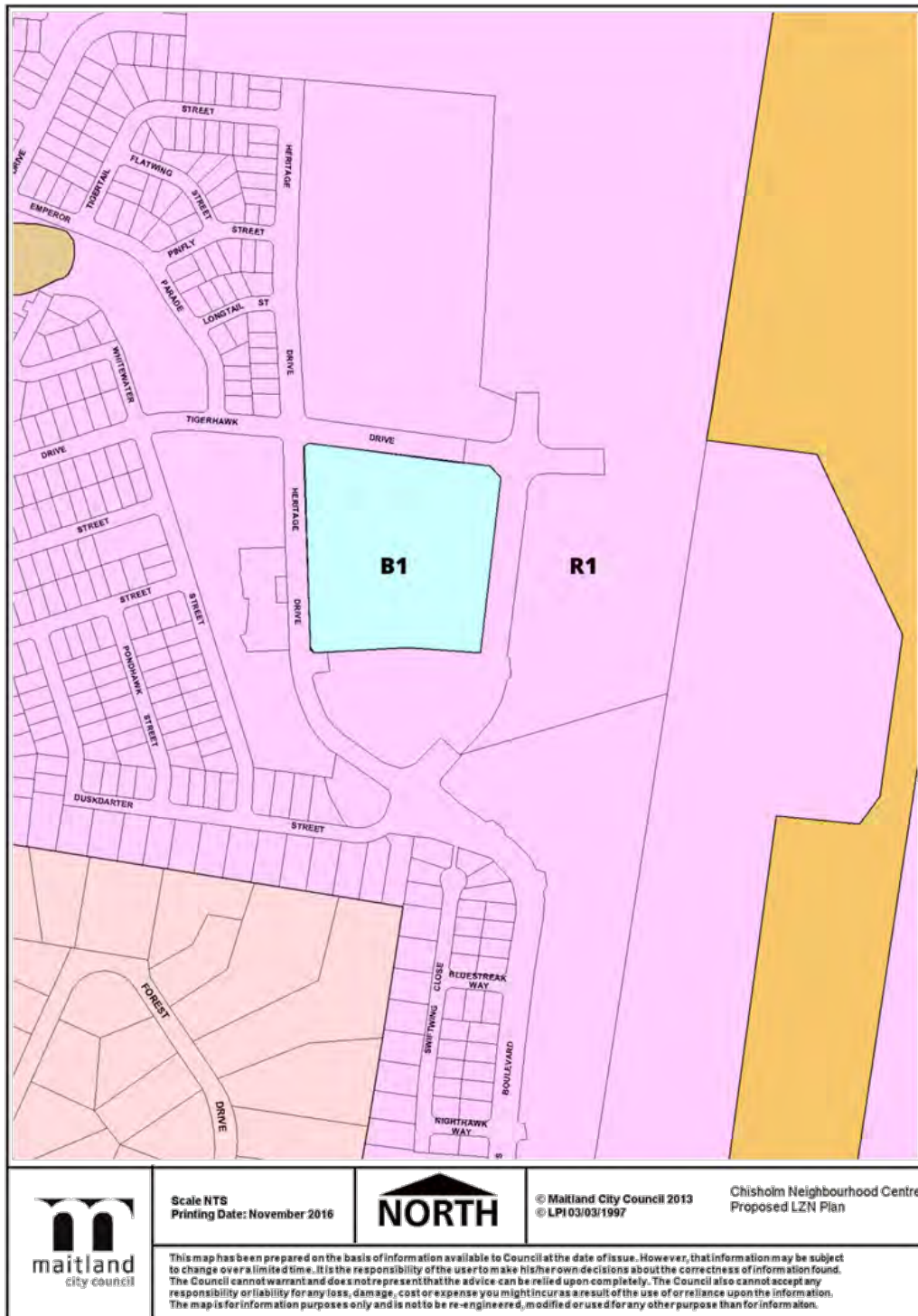
AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

PART 4: DRAFT LEP MAPS

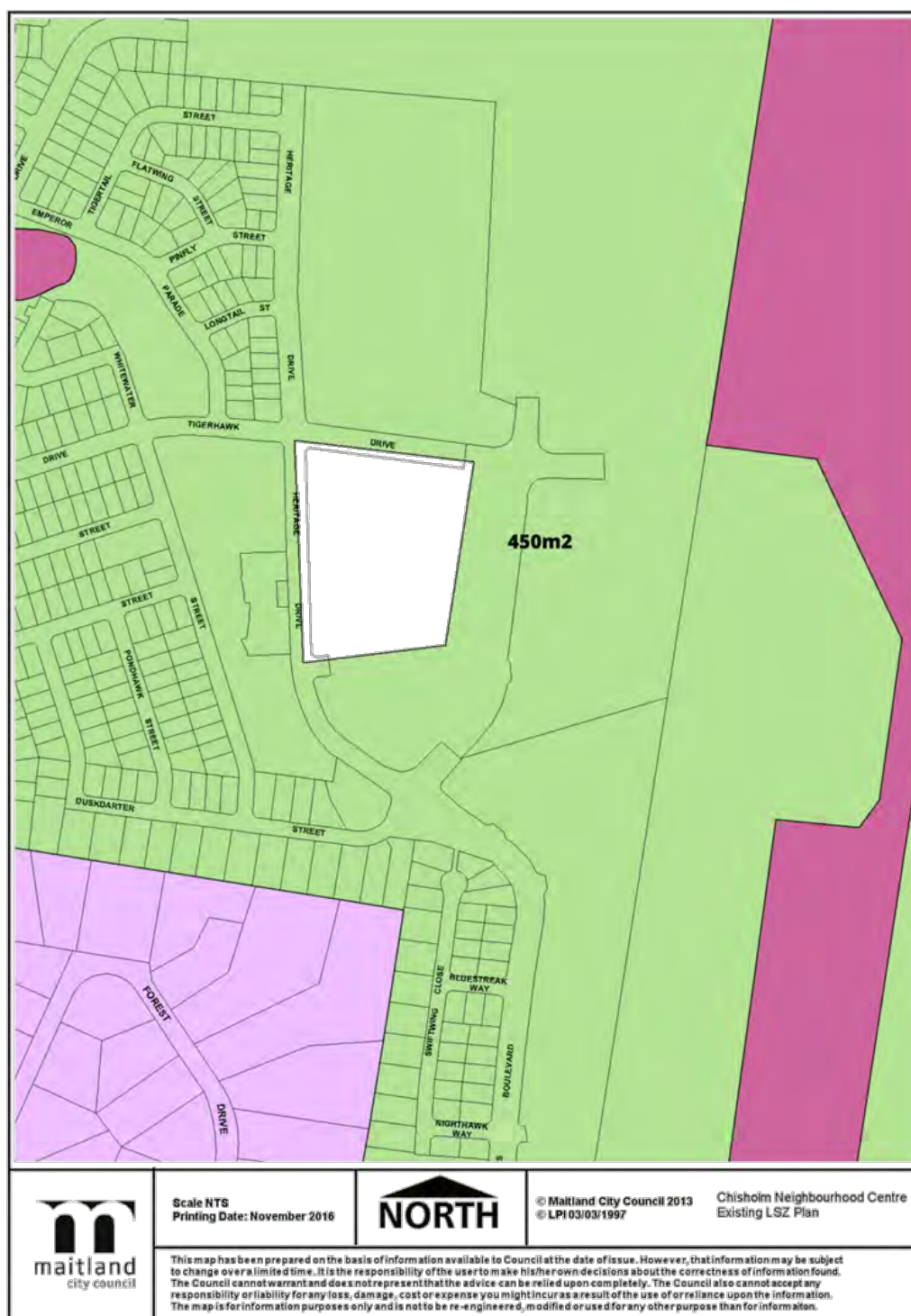
The following Draft LEP maps support the proposal:



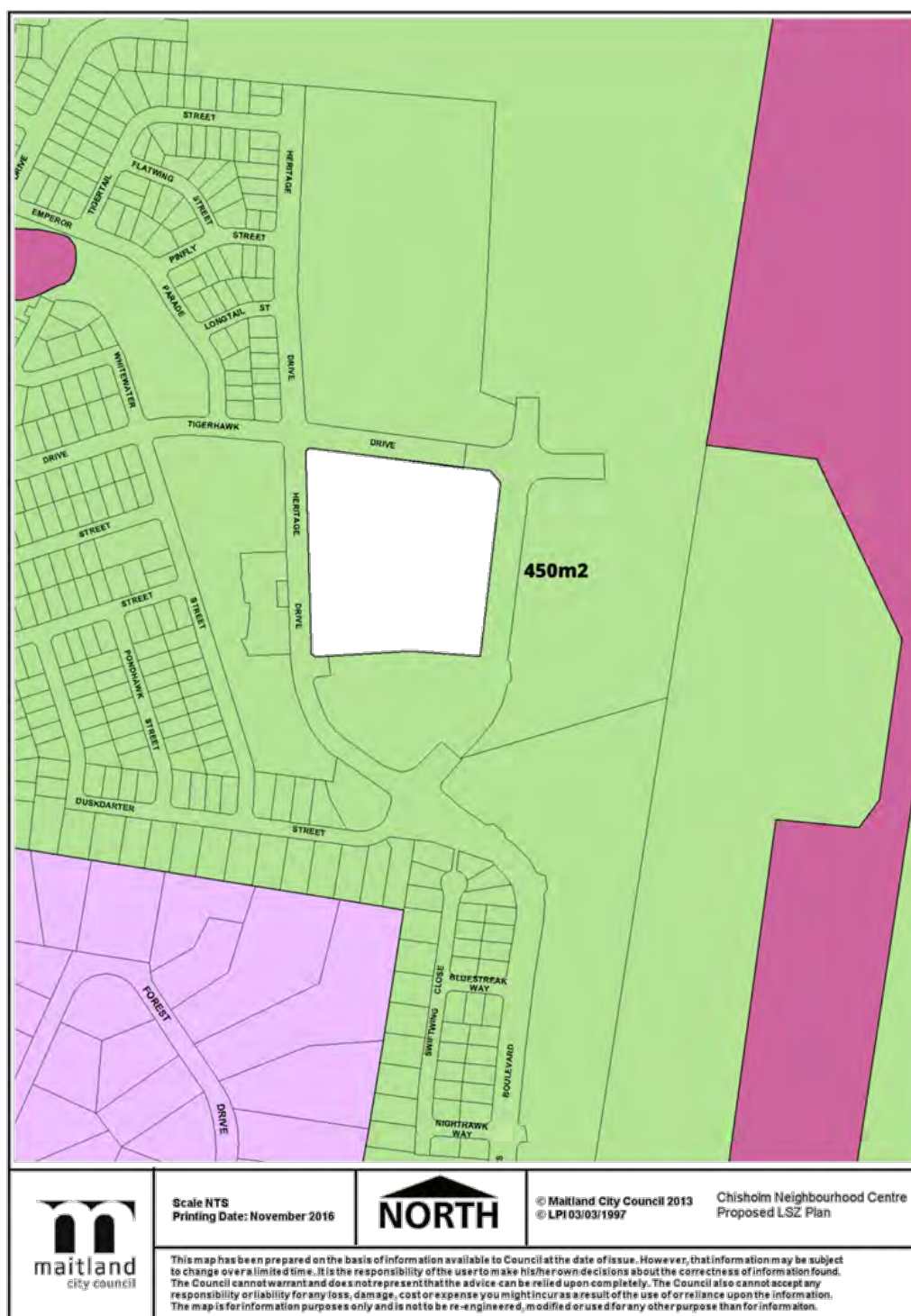
AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)



AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)



AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)



AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)



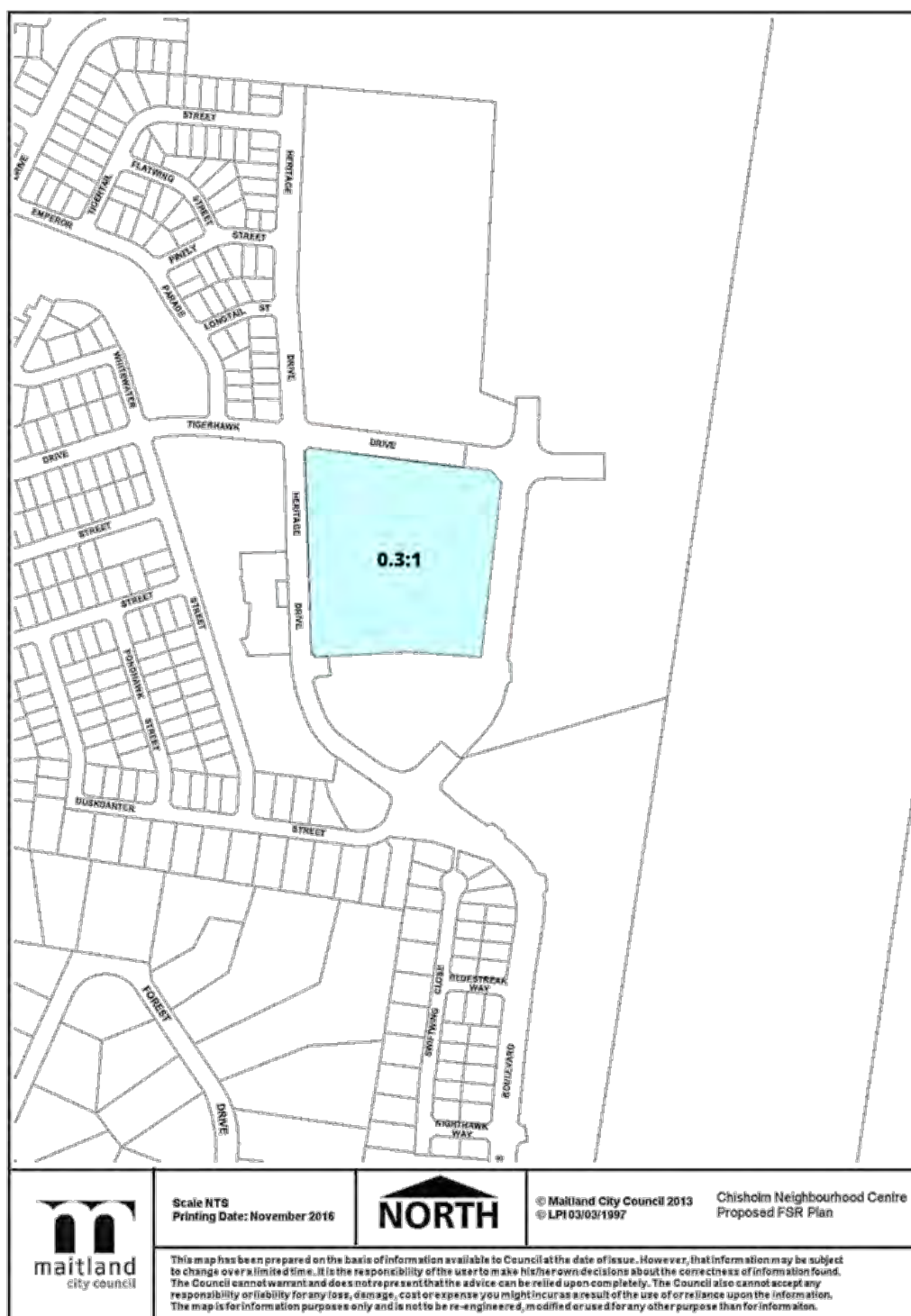
AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)



AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)



AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)



AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

PART 5: COMMUNITY CONSULTATION

In accordance with Section 57(2) of the Environmental Planning and Assessment Act 1979, community consultation must be undertaken by the local authority prior to approval of the planning proposal.

Consultation will be undertaken in accordance with the gateway determination.

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

PART 6: TIMEFRAMES

PROJECT TIMELINE	DATE
Anticipated commencement date (date of Gateway determination)	February 2017
Anticipated timeframe for the completion of required studies	March 2017
Timeframe for government agency consultation (pre and post exhibition as required by Gateway Determination) (21 days)	April 2017
Commencement and completion dates for public exhibition period	May 2017
Dates for public hearing (if required)	N/a
Timeframe for consideration of submissions	June 2017
Timeframe for the consideration of a proposal post exhibition	July 2017
Anticipated date RPA will forward the plan to the department to be made (if not delegated)	August 2017
Anticipated date RPA will make the plan (if delegated)	August 2017
Anticipated date RPA will forward to the department for notification (if delegated)	August 2017

Planning, Environment and Lifestyle Reports

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE

Draft Precinct Plan

Meeting Date: 8 November 2016

Attachment No: 2

Number of Pages: 13

PROPOSED AMENDMENT TO WATERFORD COUNTY PRECINCT PLAN – DRAFT

4.3 KEY DEVELOPMENT SITES – CHISHOLM NEIGHBOURHOOD CENTRE

Vision

Located within one of Maitland's newest residential neighbourhoods, the provision of a neighbourhood centre at Chisholm is critical to the creation of a sustainable community. The Chisholm Neighbourhood Centre will provide for the convenience needs of this new suburb consistent with the intentions of local planning policy.

The Centre's central location will enhance accessibility with connections to public transport, provision of an adequate road network which is supported by safe, pleasant pedestrian and cycleway links. Creating a place where residents can regularly meet and connect will foster a strong sense of place that is essential to support this vibrant new community.

Guiding Design Principles

The following guiding principles will inform the future design of the Centre:

- Spaciousness, reflective of local/regional character.
- Accessibility and convenience.
- Innovative architecture and an urban design which integrates with the master planned nature of the Precinct.
- Creation of a distinctive sense of place reflective of its topography, outlook and enhances the Centre's relationship to neighbouring land uses.

Location of the Centre

The centre is located on the street block bound by the following existing and proposed roads:

- Settlers Boulevard Extension.
- Proposed Driveway (unnamed).
- Tigerhawk Drive.
- Heritage Drive.

Objectives

- To facilitate the creation of a new planned neighbourhood centre to support the growing residential population of the Chisholm release area by providing a range of convenience based retail facilities and other complementary land uses that support the establishment of this vibrant Neighbourhood centre.
- To enable the centre to grow and evolve in a sustainable manner that reflects the needs and demands of the incoming population, whilst respecting the Centre's role in Council's adopted centres hierarchy.
- Establish the neighbourhood centre as the focal point for community identity and activity
- To encourage a high quality architectural outcome that provides, where possible and practical:

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

Maitland Development Control Plan 2011 | Chisholm Neighbourhood Centre DRAFT

- Siting and design that presents a unified, coherent appearance that integrates with its context and takes advantage of its physical attributes. There will be logical and well defined connections to surrounding local features such as the primary school; open spaces and community uses as reflected in the design objectives diagram below.
- Activated and/or articulation zones in appropriate locations that enhance the public domain interface between private and public land. It will include a central outdoor meeting space with opportunities for outdoor dining.
- An innovative architectural style with building heights that emphasise prominent corners of the development which will ensure a unique sense of identity for the centre.
- Provision of well-defined public spaces within the Centre by incorporating an innovative and high quality landscape architectural response.
- The use of energy efficient principles in the future design of all buildings within the local centre.
- To ensure vehicular conflicts are minimised through the separation of delivery vehicle access from the main public spaces and car park areas.
- To ensure servicing areas are appropriately screened to minimise amenity impacts on nearby sensitive land use.
- To provide safe, pleasant pedestrian and cycle routes which connect the local centre to the surrounding residential neighbourhood, and
- To provide good connectivity with public transport.
- To provide appropriate uses within each land use zone on the site that can support the growth of the local centre and contribute to its sense of identity.

Development Controls

Any future development of the Chisholm Neighbourhood Centre is to satisfy the provisions of the following relevant planning policies.

- The provisions of the Maitland Local Environmental Plan including any development standards applying to the subject site.

Requirements

Future development applications for the Chisholm Neighbourhood Centre shall demonstrate consistency with the following requirements.

- The precinct should be staged generally in accordance with the indicative staging plan. The indicative staging of the development is to be responsive to market demands and reflective of the growing population and needs of the Chisholm Release Area.
- An Economic Impact Assessment shall be submitted with the development application for each stage of the Chisholm Local Centre. The EIA shall consider the potential mix of retail and commercial offerings and the scale of any to ensure the continued viability of both the Thornton and Chisholm centres."
- A 'full line supermarket' and other core retail uses are to be developed in Stage 1 of the neighbourhood centre to serve the emerging residential population of Chisholm

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

Maitland Development Control Plan 2011 | Chisholm Neighbourhood Centre DRAFT

- The design of the centre (including the height of buildings) should respond to the existing topography and capture important local views including views to adjacent open space. The centre should be scaled to positively contribute to the surrounding neighbourhood and open space areas.
- The proposed town square is to be developed within the first stage of the Chisholm Local Centre.
The town square could provide future opportunities for;
 - An informal meeting place which can be used by local residents and parents of children attending nearby local schools and child care centres,
 - Formal and informal outdoor seating areas,
 - A space for activities which support the local community such as charity fundraising stalls, donation tables etc.
 - Landscaping and design features which encourages use and activity throughout the day and in to the evening, including safe areas for children to play whilst being supervised from adjacent outdoor seating areas.
- The neighbourhood centre is to include where appropriate, areas for outdoor seating and passive recreation to activate the Heritage Drive frontage
- The neighbourhood centre is to provide pedestrian linkages to the following areas:
 - The “riparian corridor” opposite the site on Heritage Drive including an interim pedestrian crossing as part of Stage 1.
 - St Aloysius Catholic Primary School on Tigerhawk Drive.
- The Chisholm Neighbourhood Centre is to have legible and direct pedestrian, cyclist and vehicle access to the surrounding residential area and good visibility from the main access routes.
- The areas of the Chisholm Neighbourhood Centre to be developed in future stages are to be temporarily landscaped with turf with some scattered planting.
- Development applications are to include a Traffic Impact Assessment undertaken by a suitably qualified consultant. This assessment is to include details relating to the overall traffic and pedestrian management, access to parking areas, pedestrian access provisions, assessment of the proposed car parking designs and traffic generation including an assessment on the surrounding road network and key intersections.
- Service vehicle access is to be separated from the main vehicle access points to the site on Heritage Drive, Tigerhawk Drive and Settlers Boulevard
- The surrounding street network and centre interface is to facilitate bus access with the proposed bus set down area on Tigerhawk Drive to be provided as part of Stage 1.
- Car park area may be used for pad site development such as “fast food restaurant” and “service station” in later stages subject to satisfying the relevant planning controls and car parking and traffic management standards.

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

Maitland Development Control Plan 2011 | Chisholm Neighbourhood Centre DRAFT

Active Frontages

Objectives

1. Active uses are provided along identified frontages.
2. Uses that attract pedestrian traffic along certain ground floor street frontages are promoted.
3. A vibrant and safe public domain is provided.
4. Direct contact (visual and physical) between the street and the interior of a building is achieved.

Development controls

1. Ground floor levels shall not be used for residential purposes.
2. Active frontages shall consist of one or more of the following:
 - A shop front.
 - Commercial and residential lobbies.
 - Café or restaurant.
 - Public building if accompanied by an entry from the street.
3. A minimum of 80% of the ground floor level front facade shall be clear glazed.
4. The reflexivity index for glass shall not exceed 20%.
5. Restaurants and cafés shall provide openable shop fronts (for e.g. bi-fold doors) where practical to the public domain.
6. Colonnade structures (refer Figure 3) shall not be used unless it is demonstrated that the design:
 - would not restrict visibility into the shop or commercial premises; and
 - not limit natural daylight along footpaths; and
 - does not create opportunities for concealment.

Arcades

Objectives

1. Connections to enhance the pedestrian network and to link between shopping areas, public spaces and car parking are provided.
2. Parking at the rear of the development is encouraged by providing good permeability to the front of the site.
3. Activity within arcades is encouraged.

Development controls

1. Arcades are to:
 - Be obvious and direct through-ways for pedestrians.
 - Have a minimum width of 3m clear of all obstructions unless it includes arcade dining where a minimum footway clearance width of 1.8m for high volume pedestrian areas or 1.5m in all other circumstances; is maintained.
 - Be accessible to the public for the duration of activity in the centre.
 - Where practical, have access to natural light for part of their length and at openings at each end.
 - Have clear glazed entry doors at least 50% of the entrance, where the arcade is air-conditioned.
 - Have signage at the entry indicating public accessibility and to where the arcade leads.
 - Have clear sight lines and no opportunities for concealment.
 - Where arcades or internalised shopping malls are proposed, those shops at the entrance shall have direct pedestrian access to the street.

Awnings

Objectives

1. Weather protection is provided along key streets.

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

Maitland Development Control Plan 2011 | Chisholm Neighbourhood Centre DRAFT

2. A consistent and complementary streetscape is maintained.
3. Active streets are well lit at all times.
4. Awnings are structurally sound.

Development controls

1. Continuous shelter from the weather is to be provided for the full extent of the active street frontage.
2. Awnings shall be horizontal or near horizontal (maximum pitch of 10%).
3. Awnings heights shall be no less than 2.7m high at any point measured above the existing ground level.
4. A minimum awning width of 2.5m-3.0m is required unless this cannot be achieved because of narrow pavements and street tree planting, traffic signals, traffic signage or utility poles.
5. New awnings shall be set back a minimum of 450mm from the kerb line.
6. Awnings along sloping streets shall step down in horizontal steps (a maximum of 700mm per step) to follow the slope of the street.
7. All contiguous awnings shall be of consistent height and depth and of complementary design and materials.
8. Awnings and/or canopies shall be provided elsewhere to define public entrances to buildings, including residential flat buildings.
9. Awnings shall wrap around street corners and contribute to the articulation and focal design of corner buildings.
10. New awning fascias have a vertical depth not greater than the average of the vertical depths of the immediately adjoining awning fascias or, if there are no adjoining awning fascias, 350mm.
11. Under awning lighting shall comply with AS/NZS1158 - Lighting for roads and public spaces.
12. Awnings are to be designed and certified by a professional engineer.

Building design

Objectives

1. Visually interesting, harmonious roof scapes and skylines are provided.
2. Roofs are used for recreation where practical and desirable.
3. A positive sense of space, safety and openness is created in the public domain.
4. Building security is achieved without compromising the streetscape.

Development controls

1. Where more than 2-storeys are proposed, the third and higher storeys are setback further by a minimum of 3.0m.
2. Variations in roof form including the use of skillions, gables and hips are to be provided in the development or between developments.
3. Flat roofs shall be avoided unless they are behind a parapet.
4. Lift over-runs and service plant shall be concealed within roof structures.
5. All roof plant is to be represented on plans and elevations.
6. Outdoor recreation areas on flat roofs shall be landscaped and incorporate shade structures and wind screens to encourage use.
7. Security grills (for e.g. roll-up doors) shall be avoided.
8. If installed, security grilles shall be provided within the building, behind the glazing and be constructed of material that allows the interior to be visible.

Connectivity and integration with the Thornton North Urban Release Area

Objectives

1. A simple and safe movement system for private vehicles, public transport, pedestrians and cyclists is achieved.
2. Centres are conveniently located and easily accessible by private vehicles, public transport, pedestrians and cyclists.

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

Maitland Development Control Plan 2011 | Chisholm Neighbourhood Centre DRAFT

3. The release of urban land and necessary infrastructure is logically sequenced.

Development controls

1. The link between the Investa and Waterford estates via Harvest Boulevard and Dragonfly Drive shall be completed prior to the issue of an occupation certificate.

Gateway, corner and landmark sites

Objectives

1. Key sites including corner sites are developed to create distinctive and unique buildings that form gateways to town centres.

Development controls

1. The design of buildings on corner sites or at the ends of business or commercial zones shall emphasise the importance of the corner as a focal point.
2. Corner sites or at the ends of business or commercial zones shall be constructed to boundary with no car parking or servicing between the street boundary and the building.
3. Corner buildings shall include design devices such as:
 - Increased wall heights;
 - Splayed corner details;
 - Expression of junction of building planes;
 - contrasting building materials; and
 - other architectural features;
 - to reinforce the prominence and distinctiveness of the building.
4. Shopfronts shall wrap around corners and entrances located centrally to the corner.
5. The tallest portion of the building shall be on the corner.

Pedestrian Entries and Access

Objectives

1. Equity for all street users is provided.
2. Pedestrian and vehicle access ways are separated where possible and visually distinguishable.
3. Conflict between pedestrians and vehicles is minimised during the day and at night.
4. The design of buildings and spaces shall promote legibility to help users find their way.
5. Walking and cycling is encouraged.
6. Secure and convenient parking is provided for bicycles.

Development controls

1. The development complies with AS1428 - Design for Access and Mobility.
2. Pedestrian and vehicle movement areas are separated and defined by changes in pavement material, levels, lining or tactile treatments.
3. Parking areas are illuminated (naturally and/or artificially) during the time period the centre is open.
4. Signage is provided at the entries to the development detailing the services available within the centre and where they are located.
5. Signage to key public spaces accessible from the centre such as car parks, food courts shall be provided within the centre.
6. Signage to key facilities such as rest rooms, centre management, baby change rooms shall be provided within the centre.
7. Secure and convenient parking/storing for bicycles is provided close to the entrance of the development and with good surveillance.

Parking, loading and servicing

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

Maitland Development Control Plan 2011 | Chisholm Neighbourhood Centre DRAFT

Objectives

1. Parking, loading and servicing areas are provided that are functional, safe and do not dominate the site or streetscape.
2. Deep soil planted landscaped setback areas are provided.
3. The established structure of town centre streetscapes is maintained.
4. Car parking provision does not undermine an existing streetscape.

Development controls

1. Car parking provision shall be in accordance with the provisions of C.11 of this development control plan.
2. Garage doors and loading docks shall be located at the rear of development, so that they are not a dominant element in the overall presentation of the development to key streets.
3. Signage shall be provided to direct visitors to the centre and to car parking areas.
4. Rear or internalised car parks shall be designed and constructed in a manner which enables future expansion and connection with potential future car parks in neighbouring sites. This includes consideration of levels, drainage and location of existing and future driveways and crossovers.
5. All vehicles must be able to enter and leave any development in a forward direction.
6. Loading and manoeuvring areas for service vehicles shall be separated from car parks and pedestrian paths. Where shared access is provided, no loading or unloading shall be carried out over car parking spaces and access aisles.
7. Where natural or mechanical ventilation of a car park is achieved through the use of metal grills or large openings they shall contribute to the overall design or be screened by landscaping or other design elements.
8. External service areas (for e.g. areas for rubbish storage, cardboard compacting etc) shall not be visible from roadways or public open space areas.
9. External storage and service areas shall be suitably screened from view from both roads and parking areas and pedestrian areas.
10. Basement car parks shall be setback a minimum of 3.0 metres from the street boundary.

Public art, landscaping and public domain works

Objectives

1. Planting shall be provided to shade, soften the built form and enhance its appearance from public viewpoints.
2. Planting is used to soften hardstand and reduce heat retention and reflection.
3. Medium and large trees are retained or planted to improve the amenity of the site.
4. Undeveloped areas of the site do not cause nuisance in terms of dust or erosion.
5. Undeveloped areas of the site positively contribute to the quality of the development.
6. Plant species that minimises Council's maintenance and liability responsibility are used in landscaping.
7. Water sensitive urban design is used where appropriate to assist with stormwater management and water quality.
8. Fencing does not detract from the streetscape.
9. The privatisation of public places is avoided.
10. Rear and side fencing does not detract from the streetscape or from internal areas.
11. Street furniture is coordinated with existing street furniture.
12. Street furniture does not create clutter and obstacles in the public realm.
13. Public art is consistent with Council's Public Art Strategy.

Development controls

1. A landscape plan shall be submitted with the development application that shows:
 - Existing vegetation;
 - Vegetation proposed to be removed;
 - Proposed general planting landscape treatment;
 - Design details of hard landscaping elements;

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

Maitland Development Control Plan 2011 | Chisholm Neighbourhood Centre DRAFT

- Major earth cuts, fills and any mounding;
 - Street trees; and
 - Existing and proposed street furniture including proposed signage.
2. The landscape plan for the site achieves the following minimum standards:
- Large trees and spreading ground covers are provided in all landscape areas within the site.
 - Where screening is required, large screening shrubs of an appropriate density and size to complement the scale and bulk of the subject building are provided.
 - At grade car parking areas shall be provided with one tall, branching, mature shade tree for every 4 linear car spaces.
 - All areas less than 1.0 metre in width shall be paved.
 - Where car parking cannot be provided under or behind the building and Council has agreed to permit some or all of the parking in the front setback, a landscaped strip with a minimum width of 3.0m is provided along the entire frontage/s of the site.
 - Any portion of the site that remains undeveloped or vacant after development shall be landscaped.
 - All street plantings are to be selected from Council's landscaping policy or with the agreement of Council's Coordinator Recreation and Tree Services.
 - Water sensitive urban design facilities (such as swales, bio-detention ponds and rain gardens) are used to treat stormwater for at-grade car parking areas.
 - Water sensitive urban design facilities are designed in accordance with Council's Manual of Engineering Standards.
 - Fencing for security or privacy shall not be erected between the building line and the front boundary of a site.
 - Where fences are erected, landscaping of an appropriate height and scale shall be provided to screen the fence and achieve an attractive appearance to the development when viewed from the street or other public place.
 - Street furniture (including seats, bollards, signage, grates, grills, screens and fences, bicycle racks, flag poles, banners, litter bins, telephone booths and drinking fountains) and streetscape treatments are provided in accordance with Council's Public Domain Design Manual or with agreement of the Executive Manager Appearance and Infrastructure.
 - Any public art is provided in accordance with Council's Public Art Strategy.

Setbacks

Objectives

1. The established character of the street is reinforced.
2. The existing rhythm of the street and its built form is maintained.
3. The development provides adequate pedestrian areas and integrates into the adjoining sites.
4. A consistent streetscape or a streetscape consistent with Council's public domain design plan is achieved.
5. Structures and queues do not impede pedestrian movement.
6. Any ramps are to be integrated into the overall building and landscape design.

Development controls

1. Development along identified active streets must be built-to-boundary.
2. In all other cases, building shall be setback within 20% of the average of the adjoining buildings.
3. All pedestrian paved areas along an active street are to have a minimum paved width of 3.5m.
4. The 3.5m paved setback:
 - is clear and accessible for pedestrians for its entire length and width;
 - is clear of columns (other than awning posts where provided) and other obstructions;
 - may include outdoor dining where a minimum footway clearance width of:
 - 1.8m for high volume pedestrian areas; or
 - 1.5m in all other circumstances; is maintained.
 - has a pavement matching the gradient of the adjoining footpath and connects to pedestrian areas on neighbouring sites; and

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

Maitland Development Control Plan 2011 | Chisholm Neighbourhood Centre DRAFT

- connects without any lip or step to adjoining footpaths or abutting pedestrian areas on neighbouring sites.
- 5. Pavements, furniture and landscaping are to be designed in accordance the applicable Public Domain Design Manual or in consultation with Council's Executive Manager Appearance and Infrastructure.
- 6. Steps, escalators, ramps or lifts are not located within the 3.5m paved, pedestrian area.
- 7. Any automatic teller machine:
 - is inset 1.5m into the building line;
 - is well illuminated at all times.
- 8. Ramps are constructed and finished with materials that are similar or complimentary to those used on the building or in the street.

Waste management

Objectives

1. Waste generation is minimised through design, material selection and building practices.
2. Waste management minimisation is encouraged by including source separation, reuse and recycling facilities.
3. Efficient storage and collection of waste and quality design of facilities.

Development controls

1. A waste management plan for the construction and/or occupation of the development is provided that:
 - Recycles and reuses demolished materials where possible;
 - Integrates waste management processes into all stages of the project;
 - Specifies building materials that can be reused and recycled at the end of their life; and
 - Uses standard components and sizes to reduce waste and facilitate update in the future.
2. Separate storage bins for collection of organic waste and recyclable waste are provided within the development.
3. Bulk waste facilities shall be stored in a designated area that is physically and visually integrated into the development at ground or sub-basement level that:
 - is not visible from the street or public domain;
 - is easily accessible to businesses;
 - may be serviced by collection vehicles;
 - has water and drainage facilities for cleaning and maintenance;
 - does not immediately adjoin onsite employee recreation area; and
 - be maintained to be free of pests.
4. Cardboard compactors shall be provided for large retail and commercial developments.
5. Where waste facilities cannot be collected at the street, evidence that the site can be serviced by a waste collection service shall be provided.

Vehicular access

Objectives

1. In centres, pedestrians are prioritised over vehicles.
2. Conflict points between pedestrians and vehicles are minimised.
3. Car parking does not deactivate public space, including streets, laneways and share ways.
4. Underground car parking is integrated into the building design and streetscape.

Development controls

1. The number of vehicular crossovers shall be kept to a minimum.
2. Access and egress points are designed so that exiting vehicles have clear sight of pedestrians and cyclists.
3. Any car park ramps are located within the building footprint.
4. Access and egress to car parks is achieved in a forward direction.

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

Maitland Development Control Plan 2011 | Chisholm Neighbourhood Centre DRAFT

5. Vehicular entrances to underground car parks are:
 - located on minor streets;
 - have a maximum crossover width of 6.0m;
 - signed and lit appropriately;
 - designed so that exiting vehicles have clear sight of pedestrians and cyclists.
6. All stairs and elevators in the parking structure are clearly visible.
7. The street level frontage of car parking structures (including multi-level car parks) where adjoining public places, including active streets, share ways and laneways, shall present an active frontage along the entire frontage less any car park entry.
8. Internal finishes of underground car parks shall be consistent with the external materials where they are visible from the public realm.
9. Underground car parks shall be designed for natural ventilation.
10. Ventilation ducts/grilles shall integrate with the streetscape and be unobtrusive and/or appropriately screened.
11. Garage doors to underground parking shall be designed to complement the materials used elsewhere on the development.

Development adjoining sensitive land uses

Sensitive land uses include residential areas, schools, childcare facilities, hospitals etc.

Objectives

1. Commercial and retail development does not unreasonably affect the amenity of adjoining sensitive uses.
2. The interface between business and commercial development and adjoining residential areas is of a high quality and achieves adequate visual and acoustic privacy.

Development provisions

1. The development is designed so that all vehicle movement areas and servicing areas are located away from adjoining residential areas.
2. Where this cannot be achieved, visual and acoustic treatment of the interface is required.
3. The building elevation adjoining the residential area shall be:
 - Articulated, with changes in setback at intervals no greater than 10m;
 - Use a variety of materials and treatments;
 - Be setback a minimum of half the height of the wall or a minimum of 3.0 metres whichever is greater.

Mixed use development

Objectives

1. Residential development is integrated with compatible retail and commercial uses.
2. To ensure that the design of mixed use developments maintains a reasonable level of residential amenity and preserves compatibility between uses.
3. Flexible building design to accommodate a range of uses and to allow for changes to uses over time is encouraged.

Development controls

1. Mixed use developments are located in areas close to key business, commercial and employment centres with good public transport accessibility.
2. The development shall be designed so that loading bays, garbage collection areas and noise and odour generating aspects of buildings are located away from residential areas.
3. Vehicular circulation systems are legible and differentiate between commercial service requirements, such as loading docks, and residential access.

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)

Maitland Development Control Plan 2011 | Chisholm Neighbourhood Centre DRAFT

4. All mixed use buildings shall be provided with a separate entry to the residential component of the development. The entry must be directly visible from a trafficable street and clearly demarcated from entries to commercial premises.
5. Security entries are to be provided to all entrances into private areas, including car parks and internal courtyards.
6. Where possible acoustic separation between loud commercial uses (such as cafés and restaurants) and residential uses is achieved by utilising an intermediate quiet-use barrier, such as offices.
7. Plant is located on the roof or visually and acoustically isolated from the residential uses.
8. Buildings are to have a simple and efficient structural grid.
9. The number of internal, apartment structural walls is minimised.
10. Ceiling heights for the ground and first floors shall be 3.3m.

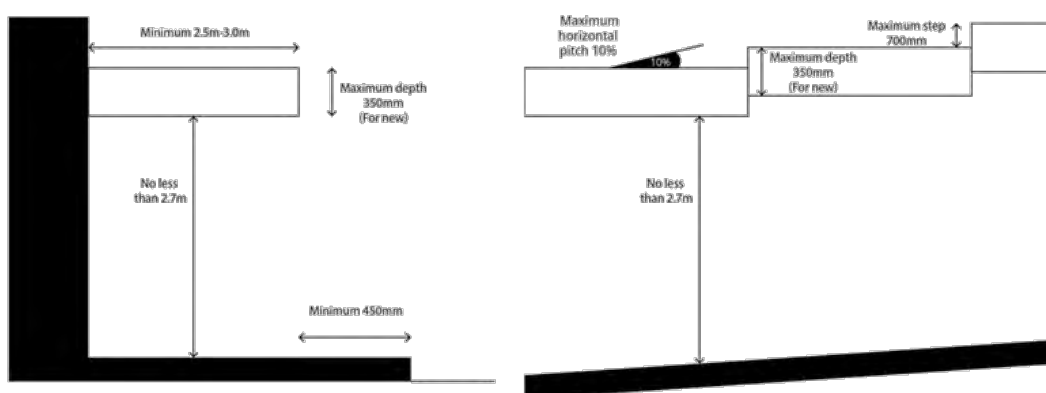
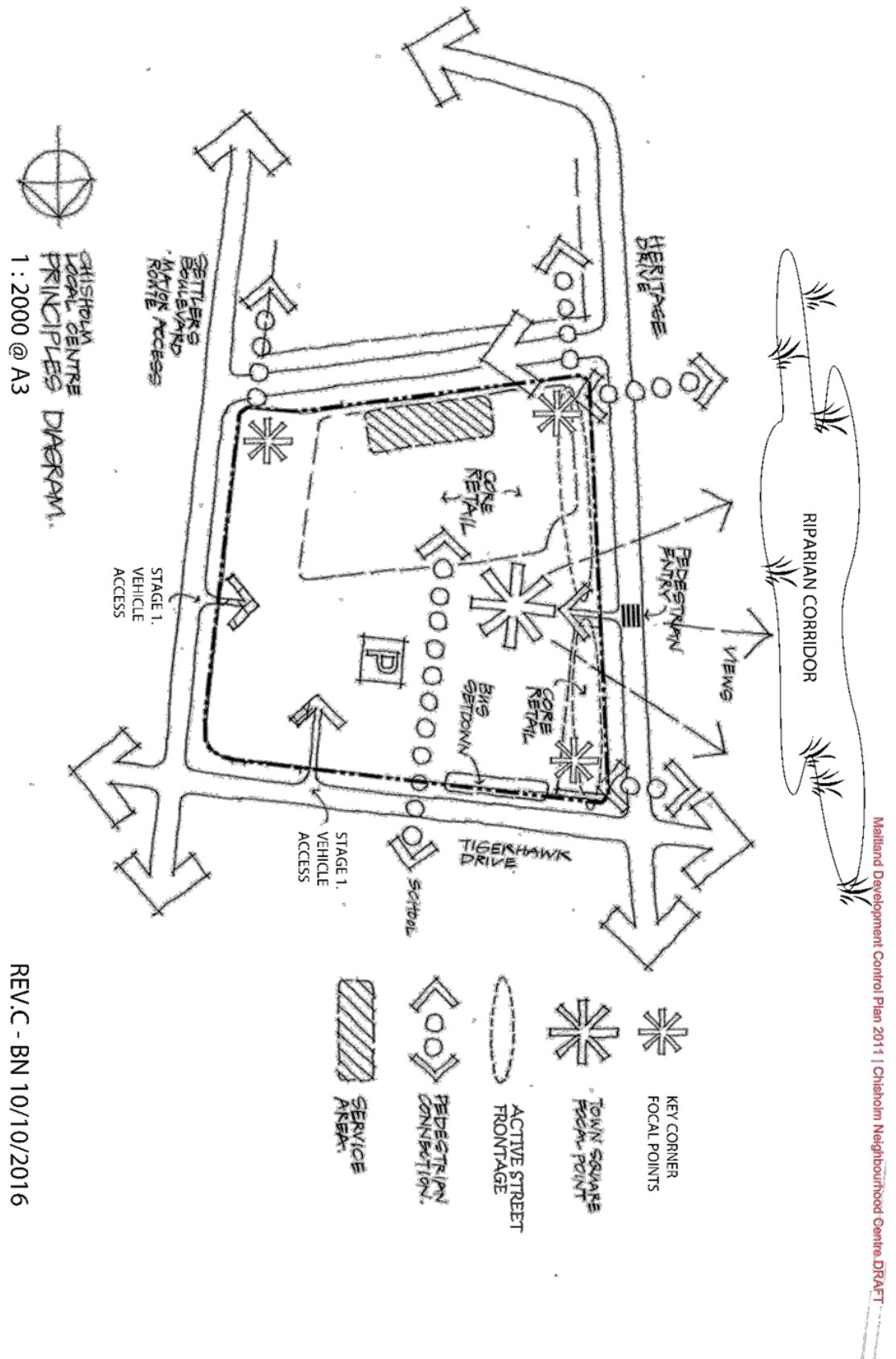


Figure 1: Awning details.



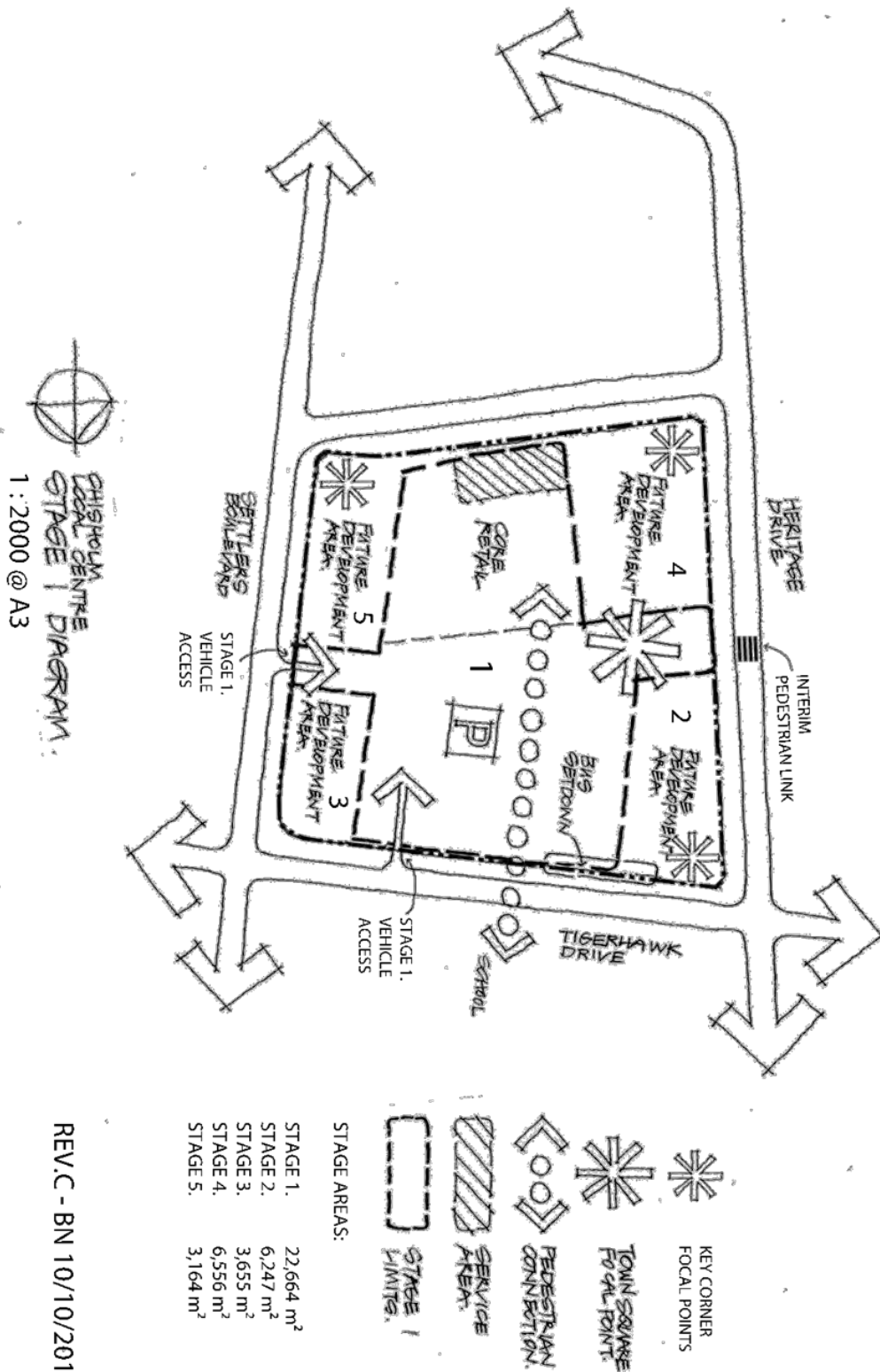
Figure 2: An example of a colonnade.

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)



REV.C - BN 10/10/2016

AMENDMENT TO THE MAITLAND DEVELOPMENT CONTROL PLAN AND PLANNING PROPOSAL FOR THE CHISHOLM NEIGHBOURHOOD CENTRE (Cont.)



Maitland Development Control Plan 2011 | Chisholm Neighbourhood Centre DRAFT