

**10.4 REZONING OF RUTHERFORD ENTERPRISE CORIDOOOR - LOT 611
DP867207 & LOT 603 DP874384 NEW ENGLAND HIGHWAY & DENTON
PARK DRIVE, RUTHERFORD**

File No:	RZ10016
Attachments:	1. Locality Map 2. Planning Proposal 3. Concept Plan 4. RMS Preliminary Comments
Responsible Officer:	Bernie Mortomore - Executive Manager Planning, Environment and Lifestyle Ian Shillington - Manager Urban Growth
Author:	Josh Ford - Strategic Town Planner
Maitland 2021	Outcome 7: Diverse and affordable housing
Council Objective:	7.2.1 To ensure land and housing choice is consistent with forecast demographic demand

EXECUTIVE SUMMARY

Council has received a request to prepare a planning proposal to provide additional land fronting the New England Highway at Rutherford for the development of business related activities. The subject land fronts the New England Highway and adjoins land zoned for residential purposes (Signature Gardens), which is partially developed, and land already developed for service business activities (McDonalds, service station etc). Land to the west of the site is reserved for public recreational purposes. The Rutherford Industrial Area is located directly south of the site, beyond the New England Highway.

The intention of the planning proposal is to introduce a business zone over approximately 3.28 hectares of land fronting the New England Highway. The rear portion of the site (approx. 8ha) has been approved for seniors living housing. Concept plans for the potential future use of the front of the site (subject of this planning proposal) identify uses such as a service station and fast food outlet, plant nursery, office and serviced apartments. The proposed B6 Enterprise Corridor zone could accommodate these uses, subject to future development assessment/approval and the definition of the intended uses under the Maitland LEP 2011 at that time.

The planning proposal aims to change the zoning from a residential purpose to a business purpose. The subject portion of the site has been identified by the owner as being surplus for residential purposes. It is requested that the land be rezoned for business support activities with a mix of development compatible with the adjoining land uses and to provide a buffer from the highway. An assessment of the proposal has indicated that the site is suitable for this intended use and is consistent with the intent of Council's Strategies for Activity Centres and Employment Clusters, Commercial Centres and Urban Settlement. There is however an adjoining triangular parcel of land with similar characteristics which has been included in the applicant's proposal. Council has contacted this landowner to inform them of the intention to rezone their land in association with this proposal. If the rezoning is supported, further assessments should consider the development of both sites in conjunction with each other.

It is recommended that Council commence an LEP amendment and Gateway determination request.

OFFICER'S RECOMMENDATION

THAT

1. The draft Local Environmental Plan for Part Lot 611 DP867202 and Part Lot 603 DP874384, New England Highway, Rutherford, be endorsed for rezoning from R1 General Residential to B6 Enterprise Corridor for the extent of the land shown in the attached plan.
2. In accordance with Section 55 of the Environmental Planning and Assessment Act 1979, a planning proposal be submitted to the Department of Planning.
3. If the planning proposal is granted a Gateway determination to proceed, consultation with the community and government agencies in accordance with Section 57 of the Environmental Planning and Assessment Act 1979, and the directions of the Gateway determination, must be undertaken.
4. A further report be presented to Council following the public exhibition process, to demonstrate compliance with the Gateway determination and to provide details of any submissions received during the process.

PROCEEDINGS IN BRIEF

The motion was moved.

(Clr Garnham / Clr Mudd)

Clr Meskauskas moved an amendment:

THAT this matter be deferred until notification is received from the State Government in relation to a Notice of Motion calling for four lanes on the New England Highway.

(Clr Meskauskas / Clr Fairweather)

The amendment when put to the meeting was declared lost.

The motion was then put to the meeting and declared carried.

COUNCIL RESOLUTION

THAT

1. The draft Local Environmental Plan for Part Lot 611 DP867202 and Part Lot 603 DP874384, New England Highway, Rutherford, be endorsed for rezoning from R1 General Residential to B6 Enterprise Corridor for the extent of the land shown in the attached plan.

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4. A further report be presented to Council following the public exhibition process, to demonstrate compliance with the Gateway determination and to provide details of any submissions received during the process.

Moved Cllr Garnham, Seconded Cllr Mudd

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