

Maitland LEP 2011 Amendment - Rutherford Enterprise Corridor

Proposal Title : **Maitland LEP 2011 Amendment - Rutherford Enterprise Corridor**

Proposal Summary : **To rezone 3.28 hectares of land fronting the New England Highway at Rutherford from R1 General Residential to B6 Enterprise Corridor, to facilitate business related activities.**

PP Number : **PP_2012_MAITL_006_00** Dop File No : **12/11276**

Proposal Details

Date Planning Proposal Received : **05-Jul-2012** LGA covered : **Maitland**

Region : **Hunter** RPA : **Maitland City Council**

State Electorate : **MAITLAND** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **New England Highway**

Suburb : **Rutherford** City : Postcode : **2320**

Land Parcel : **Part Lot 611 DP867202 and Part lot 603 DP874384**

DoP Planning Officer Contact Details

Contact Name : **Katrine O'Flaherty**

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RPA Contact Details

Contact Name : **Josh Ford**

Contact Number : **0249349729**

Contact Email : **joshf@maitland.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Lower Hunter Regional Strategy** Consistent with Strategy : **Yes**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	3.28	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	10,000.00	No of Jobs Created :	20

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**
If Yes, comment :

Supporting notes

Internal Supporting Notes :
External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The objectives adequately explain that the intent of the planning proposal is to facilitate the extension of an existing enterprise corridor adjoining the New England Highway at Rutherford to facilitate business activities.**

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

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions indicates that the planning proposal is intended to be delivered through an amendment to the Maitland LEP 2011. This will include an amendment to the zoning map and lot size map.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

**1.1 Business and Industrial Zones
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements**

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

SEPP No 22—Shops and Commercial Premises

SEPP No 55—Remediation of Land
SEPP No 64—Advertising and Signage
SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Council have provided a locality map and draft zoning and minimum lot size maps that are considered adequate for exhibition.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council indicates that the proposal is a low impact proposal and therefore that public exhibition for a period of 14 days is warranted. This opinion is concurred with.**

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Maitland LEP 2011 was gazetted on 16 Decemeber 2011**

Assessment Criteria

Need for planning proposal :

1. The planning proposal is a direct outcome of the development approval process for the adjoining residential land. Although the entire site is currently zoned residential Council have consented to a development that demonstrates that the portion of land adjoining the New England Highway is not needed for residential development. The rezoning of this land to B6 Enterprise Corridor is a logical extension to the existing enterprise corridor.
2. The proposed amendment is considered the most effective and timely method available to achieve the objectives and intended outcomes of the proposal. Council's report indicates that consideration was given to the use of the B5 Business Development zone, which permits bulky goods retailing, on the site. Large areas of land zoned B5 Business Development is located on the opposite side of the Highway and provides adequate land to accommodate future needs. Land on the northern side of the highway, adjacent to the site, is zoned B6 Enterprise Corridor. Council indicates that the use of the B5 zone would not contribute towards the sharing of servicing, amenities and facilities or the clustering of businesses as promoted by Council's Activity Centres and

Employment Clusters Strategy 2010. Council's view, that the B6 Enterprise Corridor is the appropriate zone is concurred with.

3. Although no formal net community benefit test has been undertaken it is considered that there is community benefit in the provision of additional business and employment opportunities within close proximity to residential development and along a key transport route.

Consistency with strategic planning framework :

The proposal has been reviewed for consistency with relevant SEPP's, including SEPP 55 Remediation of Land and SEPP Infrastructure 2007, SEPP 64 Advertising and Signage and SEPP 22 Shops and Commercial Premises. It is considered that the proposal to rezone the site is consistent with these SEPP's. Any subsequent development application will need to comply with their provisions where relevant.

The proposal is inconsistent with several s117 directions. Specifically --

***Direction 1.1 Business and Industrial Zones:** The proposal is inconsistent with clause 4e of this direction because the site is not specifically identified within the endorsed Maitland Urban Settlement Strategy 2008. However the Director Generals' delegate can be satisfied that this inconsistency is justified under clause 5d as of minor significance because the proposal is considered a logical extension to the existing enterprise corridor at Rutherford and is consistent with the objective of clustering uses along the New England Highway as outlined within Council's Activity Centres and Employment Clusters Strategy 2010.

***Direction 3.1 Residential Zones:** The proposal is inconsistent with clause 5b of this direction because it will reduce the permissible residential density of the land. However the Director-Generals' delegate can be satisfied that this inconsistency is justified under clause 6d as of minor significance, because the land has been identified through the development assessment process as unnecessary for residential purposes.

*** Direction 4.1 Acid Sulfate Soils:** The proposal is inconsistent with clause 6 of this direction because the site has been identified as containing Class 5 acid sulfate soils and proposes to intensify land uses, however no study assessing the appropriateness of the change has been provided. The Director-General's delegate may consider that this inconsistency is justified under clause 8b as of minor significance, because the land is identified as Class 5 only and the provisions of the Maitland LEP 2011 provide for the management of this issue at the development stage.

It is noted that the proposal is consistent with the following directions;

*** Direction 3.4 Integrating Land Use and Transport:** The proposal is considered consistent with this direction because it seeks to provide additional business activities and employment along a key transport corridor. The proposal is highly accessible by road including accessible by public transport (buses) which currently move along this corridor. It is considered that any subsequent development application will be developed to ensure it has minimal impact upon the efficiency of the corridor, consistent with the requirement of Roads and Maritime Services.

*** Direction 5.1 Implementing Regional Strategies:** The proposal is not specifically identified within the Lower Hunter Regional Strategy (LHRS), however it is considered consistent with the action pg 17 to 'facilitate the concentration of activities along transport routes'.

*** Direction 6.1 Approval and Referral:** The proposal does not contain any approval or referral requirements and is therefore consistent with this direction.

The Maitland Urban Settlement Strategy 2008 (MUSS 2008) was endorsed by the Director-General but does not specifically identify this site. However additional land along the New England Highway being zoned to facilitate employment opportunities is consistent with the Maitland Urban Settlement Strategy 2010, which identified the New England Highway as an employment corridor and encourages uses and activities in clusters at key location along the corridor. The Strategy also identifies the potential adverse impacts of residential development located directly fronting the highway. It is considered that this proposal will facilitate increased support for the cluster of uses at the specific location.

The zoning of this land to B6 Enterprise Corridor is considered consistent with Council's Activity Centres and Employment Clusters Strategy 2010 and in particular the hierarchy within the centres and employment clusters that this Strategy establishes.

As previously mentioned the proposal is considered consistent with the Lower Hunter Regional Strategy (LHRS) which seeks to locate employment opportunities along transport routes. It is considered that the rezoning of residential land at this location would not impact upon Council's ability to achieve the targets for infill development that have been established by the LHRS for the Maitland LGA.

Environmental social
economic impacts :

The site is currently zoned R1 General Residential and is largely cleared with no endangered Ecological Communities present. The site has been identified as potentially being affected by Class 5 Acid Sulfate Soils however it is considered that this matter can be further considered at the development assessment stage, if necessary.

Council have indicated that the site contains a drainage reserve and that this reserve will need to be relocated. It is considered that this matter can be addressed through development assessment.

The rezoning of the site to B6 Enterprise Corridor is considered to have a positive social and economic impact due to the additional business and employment opportunities that it will provide along a key transport route. The use of the B6 Enterprise Corridor zone is consistent with Councils' centres hierarchy and will support adjoining land similarly zoned, without detracting from larger areas of B5 Business Development within Rutherford.

Assessment Process

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

Timeframe to make **12 Month** Delegation : **DG**
LEP :

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

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

It is considered that additional traffic studies will be required before agreement regarding the access to the proposed development is resolved. It is considered that agreement from Roads and Maritime Services regarding this access is required before the rezoning can be finalised.

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Rutherford Enterprise Corridor PP.pdf	Proposal	Yes
Council Minutes Rutherford Enterprise Corridor.pdf	Proposal Covering Letter	Yes
Council agenda Rutherford Enterprise Corridor.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements

Additional Information : **It is recommended that:**

The Director General as delegate of the Minister for Planning and Infrastructure determine under section 56(2) of the EP&A Act that an amendment to the Maitland Local Environmental Plan 2011 be undertaken to rezone Part Lot 611 DP867202 and Part lot 603 DP874384 fronting the New England Highway Rutherford, to facilitate the extension of the existing enterprise corridor and development for business activities, subject to the following conditions;

1. That the Executive Director, as delegate of the Director General determine that the proposal's inconsistency with s117 direction's 1.1, 3.1 and 4.1 are justified as of minor significance.
2. The following studies will need to be completed as part of the Planning Proposal:
* a traffic study that provides sufficient information to determine the appropriate means of access to the site.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 14 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Transport Roads and Maritime Services

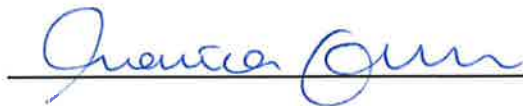
The public authority is to be provided with a copy of the planning proposal and any relevant supporting material. The public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

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Supporting Reasons :

The proposal is for an extension of the existing enterprise corridor taking into consideration the surrounding land uses. The proposal is consistent with Council's Activity Centres Strategy and the intent of the LHRS and will contribute to employment and economic development opportunities within Maitland.

Signature:



Printed Name:

Maurice Gibson

Date:

13 July 2012