

Appendix FOUR
Council Report and Resolution
[23 November 2010]

**10.3 REZONING OF LAND FOR NEIGHBOURHOOD CENTRE,
ABERGLASSLYN ROAD, ABERGLASSLYN**

File No: RZ10/14

Attachments:

1. Locality Plan
2. Extract from Aberglasslyn Area Plan
3. Concept Development Plans
4. Draft Zoning Plan

Responsible Officer: Monica Gibson - Manager City Strategy

Author: Monica Gibson - Manager City Strategy

EXECUTIVE SUMMARY

This report deals with the preparation of a planning proposal for the creation of a small neighbourhood activity centre within the Aberglasslyn Urban Release Area to support the convenience shopping needs of the incoming residents.

The need for a small centre on the subject site was first identified through the adoption of the Aberglasslyn Structure Plan in October 2005. The land is also recognised as a 'key development site' in the Aberglasslyn Area Plan which was adopted by Council in April 2007.

The intention of the planning proposal is to introduce a business zone over approximately 1 ha of land on the corner of McKeachie's Drive and Aberglasslyn Road, Aberglasslyn. Concept plans for the potential future use of the site provide for in the order of 1,200 square metres of retail floor space.

Given the proposal is consistent with Council's strategic planning for the Aberglasslyn URA and significant residential development has now been approved and is currently under construction in this locality, it is considered timely to commence an LEP amendment and Gateway Determination request. An assessment of the proposal has indicated that the site is suitable for this intended use.

OFFICER'S RECOMMENDATION**THAT**

1. The draft Local Environmental Plan for Part Lot 344 DP 1139998, Aberglasslyn Road Aberglasslyn be endorsed for rezoning from part residential and part rural to business for the extent of the land shown on 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 given 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, 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.

COUNCIL RESOLUTION

THAT

1. The draft Local Environmental Plan for Part Lot 344 DP 1139998, Aberglasslyn Road Aberglasslyn be endorsed for rezoning from part residential and part rural to business for the extent of the land shown on 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 given 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, 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.

Moved Clr Mudd, Seconded Clr Wethered

CARRIED

The Mayor in accordance with Section 375A of the Local Government Act 1993 called for a division.

The division resulted in 13 for and 0 against, as follows:

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

**10.3 REZONING OF LAND FOR NEIGHBOURHOOD CENTRE,
ABERGLASSLYN ROAD, ABERGLASSLYN**

File No: RZ10/14

Attachments:

1. Locality Plan
2. Extract from Aberglasslyn Area Plan
3. Concept Development Plans
4. Draft Zoning Plan

Responsible Officer: Monica Gibson - Manager City Strategy

Author: Monica Gibson - Manager City Strategy

EXECUTIVE SUMMARY

This report deals with the preparation of a planning proposal for the creation of a small neighbourhood activity centre within the Aberglasslyn Urban Release Area to support the convenience shopping needs of the incoming residents.

The need for a small centre on the subject site was first identified through the adoption of the Aberglasslyn Structure Plan in October 2005. The land is also recognised as a 'key development site' in the Aberglasslyn Area Plan which was adopted by Council in April 2007.

The intention of the planning proposal is to introduce a business zone over approximately 1 ha of land on the corner of McKeachies Drive and Aberglasslyn Road, Aberglasslyn. Concept plans for the potential future use of the site provide for in the order of 1,200 square metres of retail floor space.

Given the proposal is consistent with Council's strategic planning for the Aberglasslyn URA and significant residential development has now been approved and is currently under construction in this locality, it is considered timely to commence an LEP amendment and Gateway Determination request. An assessment of the proposal has indicated that the site is suitable for this intended use.

OFFICER'S RECOMMENDATION**THAT**

1. The draft Local Environmental Plan for Part Lot 344 DP 1139998, Aberglasslyn Road Aberglasslyn be endorsed for rezoning from part residential and part rural to business for the extent of the land shown on 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 given 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, be undertaken.

REZONING OF LAND FOR NEIGHBOURHOOD CENTRE, ABERGLASSLYN ROAD, ABERGLASSLYN (Cont.)

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.

REPORT

The purpose of this report is to:

1. Provide a background to the rezoning process for the subject site know as part Lot 344 DP 1139998, Aberglasslyn Road, Aberglasslyn
2. Provide information to enable the Council to determine whether an amendment should be made for the purpose of rezoning lands for business purposes; and
3. Provide a summary of the planning proposal for the subject site for submission to the Department of Planning.

Background

A Structure Plan for the Aberglasslyn Urban Release Area was adopted by Council in October 2005. This established the broad strategic framework to guide rezoning, development and management of the area. The Structure Plan identified the possible need for neighbourhood shops on the subject site.

Following rezoning of the urban release area for residential purposes (Amendment No. 92 to Maitland LEP 1993), the Aberglasslyn Area plan was prepared and adopted by Council in April 2007. This plan provides detailed development controls which act to implement the plans and policies outlined in the Structure Plan. The Aberglasslyn Area Plan identified the subject land as a '*key development site*' having potential for neighbourhood shops and recognising that such a use needed to be properly designed and planned having regard to the objectives and requirements outlined in the Area Plan (as shown in **Attachment 2**).

Whilst the subject site as shown in **Attachment 1** has been consistently identified as being suitable as a small neighbourhood or convenience centre, the land currently retains a spilt residential and rural zone.

A development application was lodged for the site in July 2010 where approval was sought for '*convenience stores, tavern and medical centre*.' A copy of the concept plan is shown as **Attachment 3** and this now forms the basis of the planning proposal. It should be noted that the DA was notified and whilst a small number of submissions were received, these did not raise concern with the concept of a centre in this locality, rather there were issues raised with how uses were being defined. For example, the term '*tavern*' was used by the Applicant to define a business that was intended to operate as a bottle shop.

The basis of the DA relied on certain uses being permissible in the existing residential zone, such as '*convenience store*' '*tavern*' and a '*medical centre*', specifically under the provisions of the Infrastructure SEPP, together with the use of Clause 46 which permits the Council to consider a variation of zone boundaries of up to 20 metres. Council Officers were however concerned with the appropriateness and precedence of this approach.

REZONING OF LAND FOR NEIGHBOURHOOD CENTRE, ABERGLASSLYN ROAD, ABERGLASSLYN (Cont.)

To ensure that the planning rationale for the site was consistent with other small neighbourhood centres and to provide clarity to a future DA process, an LEP amendment was recommended as the most suitable course of action for this site. This approach is also consistent with the planning work undertaken for Council's other major urban release area sites including Chisholm and Gillieston Heights, both of which now include areas zoned for business uses to encourage the development of centres consistent with Council's strategic planning policies.

Rezoning Proposal

The purpose of the planning proposal is rezone part of Lot 344 DP 1139998 Aberglasslyn Road, Aberglasslyn for business purposes. A draft LEP amendment mpa showing the site and extent of land is included as **Attachment 4** to this report. The rezoning would apply to approximately 1 ha of land.

The LEP amendment would either proceed as an amendment to Maitland LEP 1993 or Maitland LEP 2011 depending on the timing of the comprehensive LEP. If the amendment is made to Maitland LEP 1993 the zoning would be 3(a) General Business. If the amendment is made to Maitland LEP 2011, the zoning would be B1 Neighbourhood Centre. A maximum floor space ratio of 0.5:1 would apply, which is consistent with other low order and low scale centres. When included in the Maitland LEP 2011, a maximum building height of 8 m would also apply. There is no provision to include a maximum building height in the Maitland LEP 1993.

The objectives of the Planning Proposal are to allow for the creation of a small neighbourhood activity centre, integrated with the Aberglasslyn Urban Release Area, which caters for the convenience needs of incoming residents. Once rezoned, it is intended the site will provide for a small cluster of shops and associated landscaping, car parking, earthworks and drainage. A concept plan of possible development outcomes on the site is shown in **Attachment 3**.

The provision of a neighbourhood centre in this location will provide a range of convenience retail activities to cater for the 'everyday' needs of the surrounding residential release area. The scale, role and function of this site as a neighbourhood centre will not detract from the higher order Town Centre at Rutherford.

Council's Activity Centres and Employment Clusters Strategy (January 2010) presents a hierarchical framework to define the role and function of centres. One purpose of the Strategy is *to guide future land use and development decisions which reflect the principles of this strategy, the vision of the activity centre or employment cluster, to support residential growth within the Maitland LGA*. The Strategy encourages the creation of new centres where they support the growing population of Maitland.

The Centres Strategy defines Neighbourhood Centres as being *integrated within a residential neighbourhood to improve the walkability, provide for the convenience needs and create a place with a strong identity for the surrounding community*. The scale of this activity centre is characterised by a small cluster of shops with the primary aim of providing convenience services and encourages a reduction in car use for short trips. Existing neighbourhood Centres identified by the Strategy include Largs, Lochinvar, Metford, Tenambit and Woodberry. The provision of a new neighbourhood centre on this site, is consistent with the hierarchy and typology of

REZONING OF LAND FOR NEIGHBOURHOOD CENTRE, ABERGLASSLYN ROAD, ABERGLASSLYN (Cont.)

the adopted Centres Strategy and Council's adopted strategic planning framework for the Aberglasslyn Urban Release Area.

Consultation with Public Authorities

Given the scale and nature of the rezoning proposal, no advice has been sought from government agencies and public authorities. Previous advice was sought from relevant agencies for the establishment of the Aberglasslyn Urban Release Area and further consultation is not considered necessary.

Next Steps

If endorsed by Council, the planning proposal will be submitted to the Department of Planning for gateway approval to proceed with the LEP amendment. The gateway determination will either be:

- Exhibit the planning proposal with or without change,
- Refuse the planning proposal

A positive gateway determination will also make direction about the consultation required for the LEP and a timeframe by which the LEP is to be completed. The planning proposal will then be exhibited in accordance with the directions of the Gateway and Section 57 of the Environmental Planning and Assessment Act, 1979. Formal submissions to the planning proposal will be invited and accepted during the exhibited period.

A further report that considers any submissions received and / or any proposed changes to the planning proposal will then be presented to Council.

CONCLUSION

The provision of a neighbourhood centre in this location will provide for a small range of convenience retail and associated activities to cater for the 'everyday' needs of the growing residential community in Aberglasslyn. To progress this matter in a timely manner a planning proposal is necessary to be endorsed by Council for submission to the Department of Planning for its consideration.

The rezoning of the subject site will ensure the outcomes of Council's long term strategic plans are achieved.

FINANCIAL IMPLICATIONS

This matter is to progress the rezoning of land at Aberglasslyn Road, Aberglasslyn therefore it has no direct impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

The site to which this rezoning proposal refers has been identified as a key site within Council's adopted Aberglasslyn Area Plan for a purpose consistent with that outlined in the planning proposal, and therefore has no specific policy implications for the Council.

REZONING OF LAND FOR NEIGHBOURHOOD CENTRE, ABERGLASSLYN ROAD, ABERGLASSLYN (Cont.)

STATUTORY IMPLICATIONS

There are no statutory implications under the Local Government Act 1993 with this matter. The planning proposal is progressing the rezoning in line with relevant legislative requirements under the Environmental Planning and Assessment Act, 1979 and associated Regulations.

Service Planning and Regulation Reports

REZONING OF LAND FOR NEIGHBOURHOOD CENTRE, ABERGLASSLYN ROAD, ABERGLASSLYN

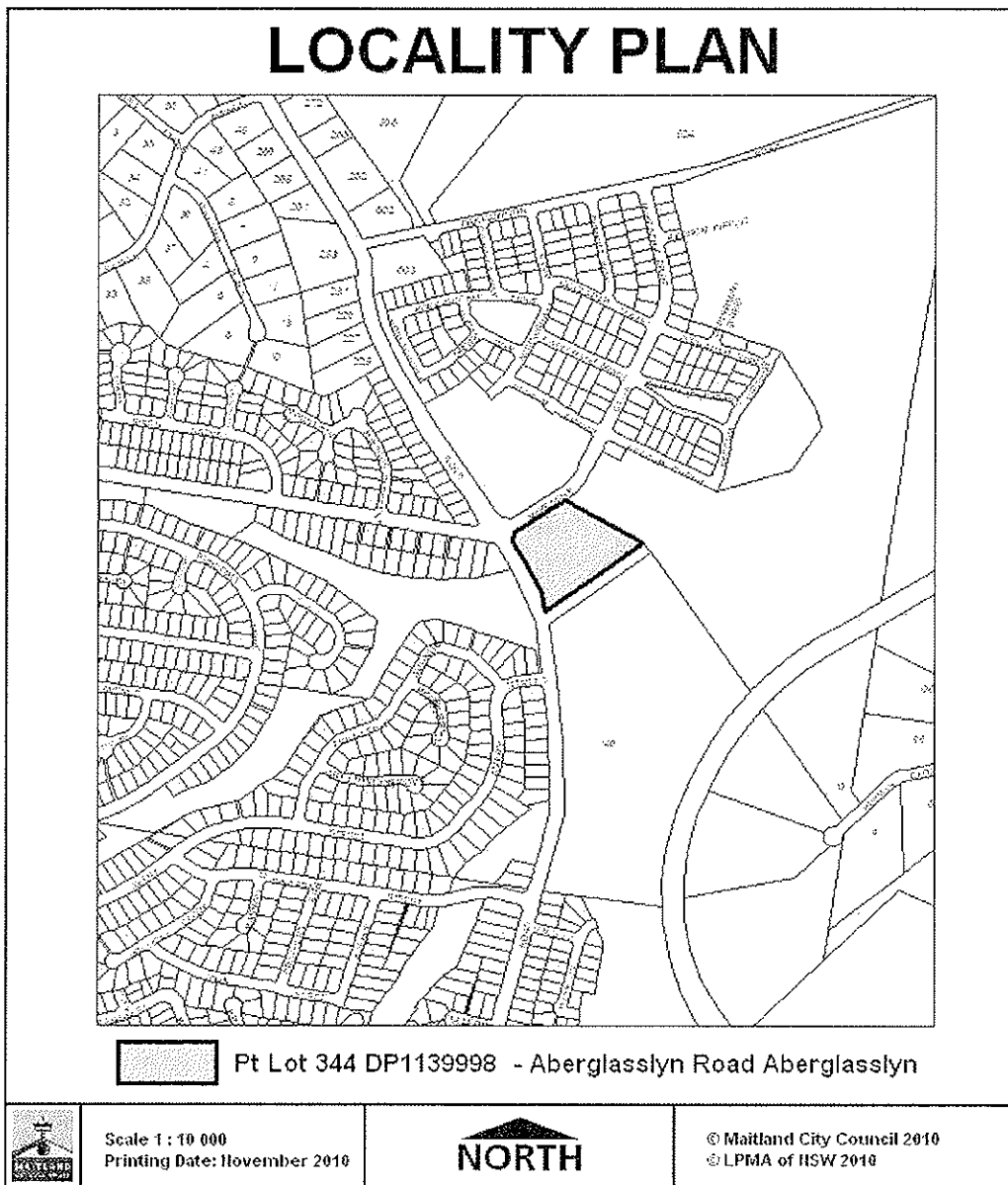
Locality Plan

Meeting Date: 23 November 2010

Attachment No: 1

Number of Pages: 1

REZONING OF LAND FOR NEIGHBOURHOOD CENTRE, ABERGLASSLYN ROAD, ABERGLASSLYN (Cont.)



Service Planning and Regulation Reports

REZONING OF LAND FOR NEIGHBOURHOOD CENTRE, ABERGLASSLYN ROAD, ABERGLASSLYN

Extract from Aberglasslyn Area Plan

Meeting Date: 23 November 2010

Attachment No: 2

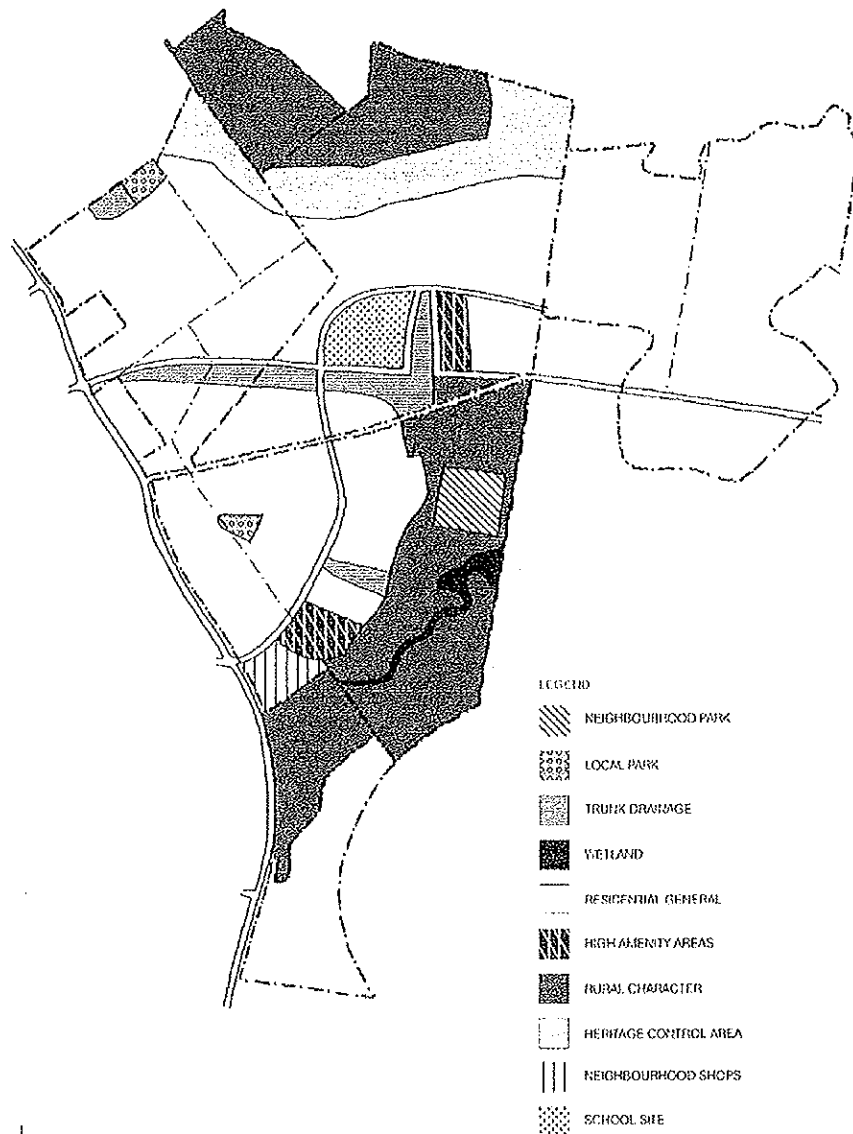
Number of Pages: 1

REZONING OF LAND FOR NEIGHBOURHOOD CENTRE, ABERGLASSLYN ROAD, ABERGLASSLYN (Cont.)

Figure 1 - Aberglasslyn Structure Plan

Maitland LEP No 92 refers to the Aberglasslyn Urban Release Area Structure Plan adopted by Council on April 2007

Aberglasslyn - Structure Plan



Service Planning and Regulation Reports

REZONING OF LAND FOR NEIGHBOURHOOD CENTRE, ABERGLASSLYN ROAD, ABERGLASSLYN

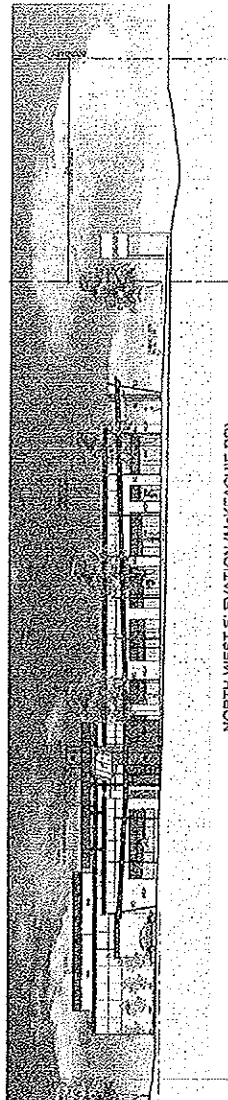
Concept Development Plans

Meeting Date: 23 November 2010

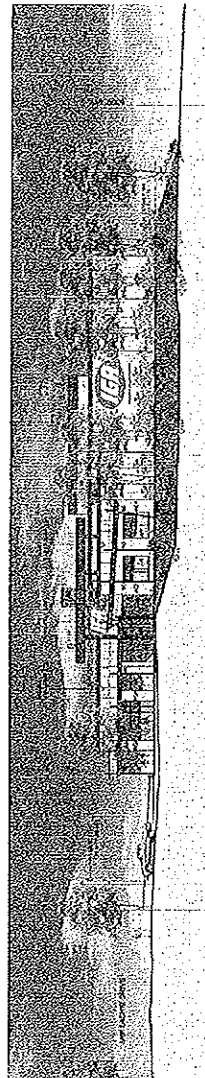
Attachment No: 3

Number of Pages: 4

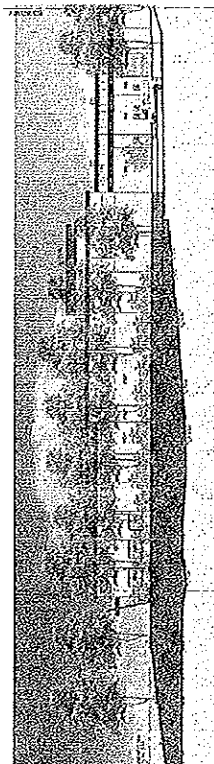
REZONING OF LAND FOR NEIGHBOURHOOD CENTRE, ABERGLASSLYN ROAD, ABERGLASSLYN (Cont.)



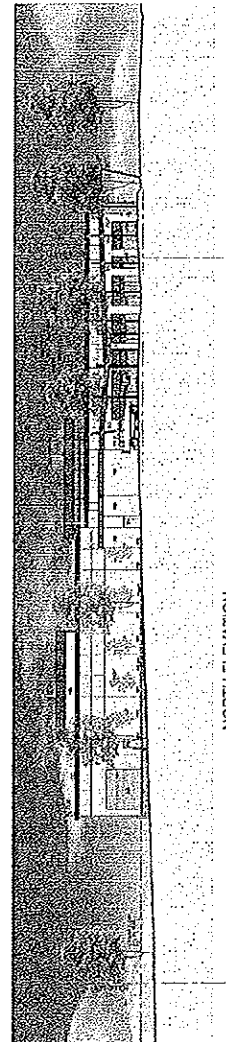
NORTH-WEST ELEVATION (McKEACHIE DR)



SOUTH-WEST ELEVATION (ABERGLASSLYN RD)



EAST ELEVATION



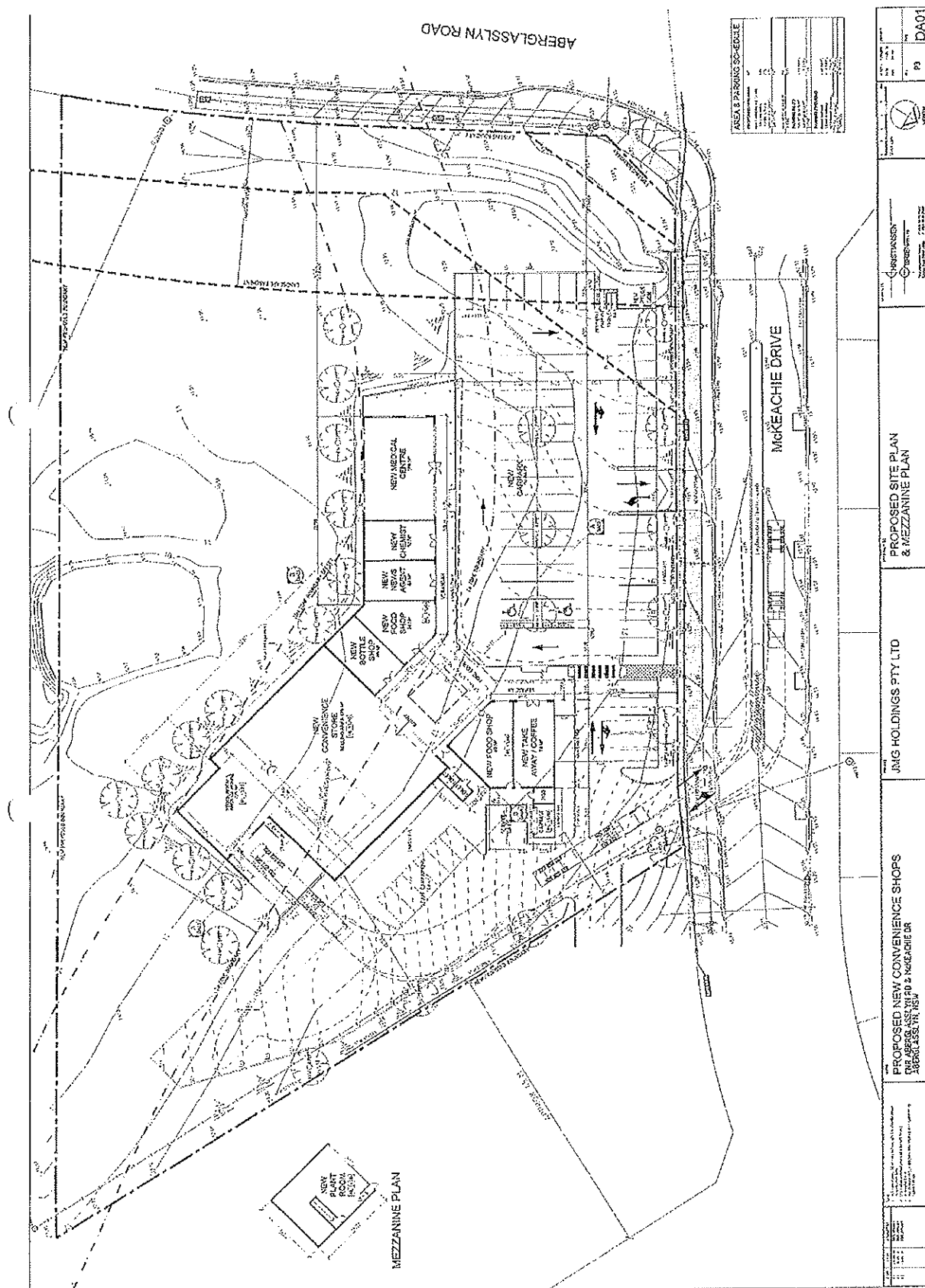
NORTH ELEVATION

LEGEND
 1. PROPOSED NEW CONVENIENCE SHOPS
 2. EXISTING BUILDING
 3. EXISTING PARKING
 4. EXISTING LANDSCAPE
 5. EXISTING ROAD
 6. EXISTING FENCE
 7. EXISTING LIGHTING
 8. EXISTING SIGNAGE
 9. EXISTING UTILITIES
 10. EXISTING DRAINAGE
 11. EXISTING FLOODING
 12. EXISTING EROSION
 13. EXISTING LANDSLIDE
 14. EXISTING COLLAPSE
 15. EXISTING FIRE
 16. EXISTING EXPLOSION
 17. EXISTING OTHER

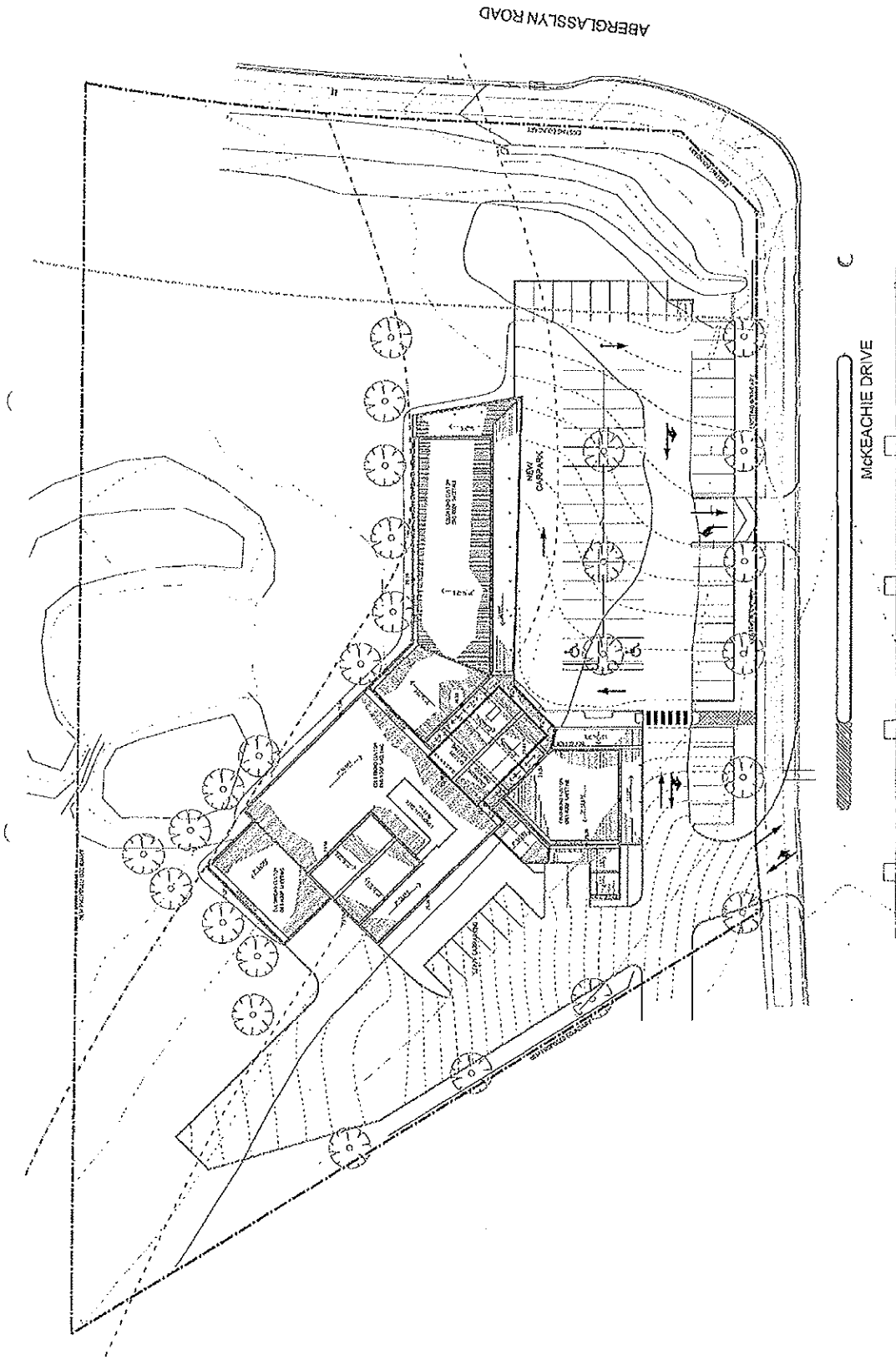
PROPOSED NEW CONVENIENCE SHOPS
 1. PROPOSED NEW CONVENIENCE SHOPS
 2. EXISTING BUILDING
 3. EXISTING PARKING
 4. EXISTING LANDSCAPE
 5. EXISTING ROAD
 6. EXISTING FENCE
 7. EXISTING LIGHTING
 8. EXISTING SIGNAGE
 9. EXISTING UTILITIES
 10. EXISTING DRAINAGE
 11. EXISTING FLOODING
 12. EXISTING EROSION
 13. EXISTING LANDSLIDE
 14. EXISTING COLLAPSE
 15. EXISTING FIRE
 16. EXISTING EXPLOSION
 17. EXISTING OTHER

COLOR ELEVATIONS
 1. PROPOSED NEW CONVENIENCE SHOPS
 2. EXISTING BUILDING
 3. EXISTING PARKING
 4. EXISTING LANDSCAPE
 5. EXISTING ROAD
 6. EXISTING FENCE
 7. EXISTING LIGHTING
 8. EXISTING SIGNAGE
 9. EXISTING UTILITIES
 10. EXISTING DRAINAGE
 11. EXISTING FLOODING
 12. EXISTING EROSION
 13. EXISTING LANDSLIDE
 14. EXISTING COLLAPSE
 15. EXISTING FIRE
 16. EXISTING EXPLOSION
 17. EXISTING OTHER

REZONING OF LAND FOR NEIGHBOURHOOD CENTRE, ABERGLASSLYN ROAD, ABERGLASSLYN (Cont.)

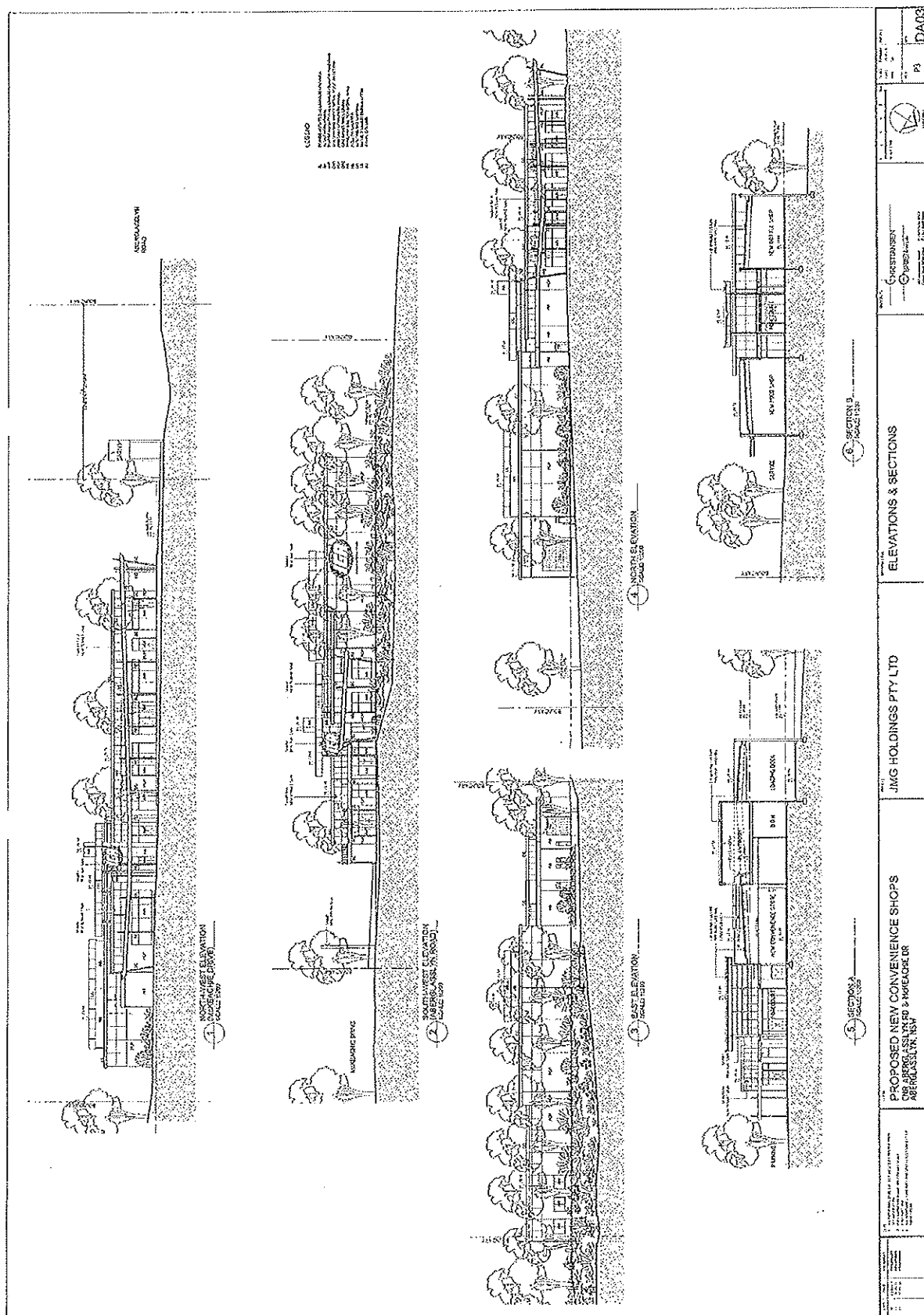


REZONING OF LAND FOR NEIGHBOURHOOD CENTRE, ABERGLASSLYN ROAD, ABERGLASSLYN (Cont.)



Scale: 1:500 North Arrow	PROPOSED NEW CONVENIENCE SHOPS 232 ABERGLASSLYN RD & MCKEACHIE DR ABERGLASSLYN, NSW	UAG HOLDINGS PTY LTD	PROPOSED ROOF PLAN	DA02
--	--	-----------------------------	---------------------------	-------------

REZONING OF LAND FOR NEIGHBOURHOOD CENTRE, ABERGLASSLYN ROAD, ABERGLASSLYN (Cont.)



Service Planning and Regulation Reports

REZONING OF LAND FOR NEIGHBOURHOOD CENTRE, ABERGLASSLYN ROAD, ABERGLASSLYN

Draft Zoning Plan

Meeting Date: 23 November 2010

Attachment No: 4

Number of Pages: 1

REZONING OF LAND FOR NEIGHBOURHOOD CENTRE, ABERGLASSLYN ROAD, ABERGLASSLYN (Cont.)

