PLANNING PROPOSAL

Amendment to the Maitland LEP

ABERGLASSLYN URBAN RELEASE AREA NEIGHBOURHOOD CENTRE

(Part of Lot 344 DP 1139998 McKeachies Drive, Aberglasslyn)

13 December 2010

MAITLAND
CITY COUNCIL

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Figures and Tables

Version

Version 2.0 – 13.12.10, Section 55 Report

INTRODUCTION AND BACKGROUND

In accordance with Section 55 of the Environmental Planning and Assessment Act 1979, this planning proposal has been prepared to allow the rezoning of land within the Aberglasslyn Urban Release Area to facilitate the creation of a new neighbourhood centre to support the convenience shopping needs of incoming residents.

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 at the subject site.

Following rezoning of the urban release area for residential purposes, the Aberglasslyn Area Plan was prepared and adopted by Council in April 2007. This document provides detailed development controls which act to implement the principles and policies outlined in the Structure Plan. The Aberglasslyn Area Plan identified the subject site 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.

PART 1: OBJECTIVES or INTENDED OUTCOMES

The objectives of this planning proposal are to facilitate the provision of a small neighbourhood activity centre, integrated with the Aberglasslyn release area, which caters for the convenience needs of residents. It is intended that the site will be rezoned to permit a small cluster of shops and associated landscaping, car parking, drainage and earthworks.

The intended outcome of the planning proposal is to introduce a business zone over approximately 9,174m^2 of Lot 344 DP 1139998.

PART 2: EXPLANATION of PROVISIONS

It is proposed to amend the Maitland Local Environmental Plan 1993 through an alteration to the zoning map and minor addition to the wording of cl. 5(1). The map, which outlines the area to be rezoned from 2(a) Residential and 1(b) Secondary Rural to 3(a) General Business is included as **Appendix 2.**

Therefore the Maitland Local Environmental Plan is proposed to be amended by inserting, in appropriate order in the definition of ***"The map"*** in clause 5 (1) the following words:

Maitland Local Environmental Plan 1993 (Amendment X) – Aberglasslyn Release Area Neighbourhood Centre.

Whilst it is Council's intention for the planning proposal to form an amendment to the Maitland LEP 1993, a new comprehensive local environmental plan is currently being prepared (Maitland Local Environmental Plan 2011). The Draft Maitland LEP 2011 has been certified by the Department of Planning and is currently on public exhibition. It is therefore appropriate to consider the relationship between the zones of the Maitland LEP 1993 and zones that could apply under the Draft Maitland 2011 LEP.

The B1 Neighbourhood Centre zone identified under the Draft Maitland LEP 2011 would be used to reflect a small scale centre such as that proposed. Should the rezoning proceed as an amendment to the Maitland LEP 2011, the objectives of the proposed amendment would be achieved through an alteration to the zoning map, lot size map and floor space ratio map. If forming an amendment to the Maitland LEP 2011, the Maitland Local Environmental Plan 2011 is proposed to be amended by:

(1) amending sheet 005 of the ***Land Zoning Map*** *to show the relevant portion of the site as zone B1 Neighbourhood Centre and inserting in the relevant clause of the written instrument:*

Maitland Local Environmental Plan 2011 (Amendment X) – Aberglasslyn Urban Release Area Neighbourhood Centre

(2) amending sheet 005 of the ***Lot Size Map*** *to remove the minimum lot size for the area to be zoned B1 Neighbourhood Centre*

(3) amending sheet 005 of the ***Floor Space Ratio Map*** *to show a maximum FSR of 0.5:1 for the portion of the site to be zoned B1 Neighbourhood Centre.*

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 need for the creation of a new neighbourhood centre at Aberglasslyn was first identified in the Aberglasslyn Structure Plan in 2005. The site was identified in response to meeting the convenience shopping needs for the developing Aberglasslyn urban release area.

The need for a new neighbourhood centre was reinforced through the adoption of the Aberglasslyn Area Plan (April 2007) and identification of the subject land as a *key development site* for neighbourhood shops. **Appendix 5** provides relevant extracts from the Aberglasslyn Area Plan.

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

It is considered that an amendment to the Maitland LEP 1993 through the gateway process and preparation of this planning proposal is the most effective and timely method to achieve the vision and objectives of the Aberglasslyn Structure Plan and Area Plan. The provision of a new neighbourhood centre within the Aberglasslyn Urban Release Area supports Council's policy to ensure that infrastructure, at an appropriate scale, is delivered in parallel with residential development, continues to implement the aims of the strategic policy framework applying to this release area and will help with the development of a sustainable community.

This amendment will enable the rezoning of land within the Aberglasslyn release area to 3(a) General Business under the Maitland LEP 1993. Although Council is currently preparing the Maitland LEP 2011, rezoning of this land will continue the progression of the Aberglasslyn release area and builds on the substantial work and rezoning that has already taken place.

3. *Is there a net community benefit?*

The rezoning proposal does not include a determination of Net Community Benefit, since no NCB test was undertaken by the proponent. However, a detailed economic impact assessment was provided by the proponent which illustrates that there is a need for a small centre to accommodate convenience shops for the expanding population within the Aberglasslyn URA. The proposal is deemed to be beneficial to the local community, since it will minimise travel times and reduce vehicle trips for local residents when they require convenience items. Furthermore, the proposal is not expected to impact significantly upon other businesses in the Maitland LGA, since the purpose of the proposed neighbourhood centre would be for convenience items only, and would not provide the range of goods to service the weekly shopping needs of residents. In this sense, businesses located within Rutherford Town Centre and those businesses located along the along the New England Highway are not expected to be impacted to any great extent. A copy of the economic impact assessment is provided under **Appendix 8**.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

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

Lower Hunter Regional Strategy (NSW Dept of Planning) – October 2006

The Aberglasslyn Urban Release Area is identified in the Lower Hunter Regional Strategy 2006 as a 'Proposed Urban Area' that will help contribute to the dwelling targets identified for Maitland LGA in the LHRS 2006.

The subject planning proposal for a new neighbourhood centre is consistent with the *Neighbourhood Planning Principles* of the LHRS, in particular that local planning for new release areas should allow for *'easy access to major town centres with a full range of shops, recreational facilities and services along with smaller village centres and neighbourhood shops* (LHRS 2006, p26).

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

Council is currently preparing a draft community strategic plan in line with the new Integrated Planning and Reporting legislation and guidelines. In regards to land use strategies, the following documents provide the appropriate strategic policy framework to support this planning proposal.

Maitland Urban Settlement Strategy 2001-2021 (Maitland City Council) – 2008 Edition

The MUSS 2008 discusses the key elements of determining the appropriateness and need for commercial land within the LGA, and identifies that a Centres Strategy (now the Activity Centres and Employment Clusters Strategy 2010) governs strategic land use decisions involving commercial land. A copy of the relevant section of the MUSS 2008 is included as **Appendix 7**. Section 3.4 of the MUSS 2008 lists key outcomes for commercial land, with the intentions being to:

- Minimise the extent of ribbon commercial development;
- Ensure commercial centres are readily accessible to a range of transport nodes;
- Establish retail and commercial centres as the focus of community activity;
- Facilitate high standards of urban design in retail and commercial centres;
- Encourage the design of buildings and landscapes which relate to their physical context and are user friendly; and
- Consolidate and maintain the integrity of the retail and commercial centres hierarchy.

The proposal is consistent with these key outcomes for commercial land, since:

- The proposal will not result in ribbon development, since the proposal is of small scale and will service an existing residential subdivision;
- The site is located at the intersection of Aberglasslyn Road and McKeachies Drive, meaning that it is easily accessible by both private and public forms of transport, while footpaths and cycleways allow easy access for local residents;
- Rezoning and future development of a portion of the site for a small neighbourhood centre is appropriately located given the proximity to residential housing and recreation land;
- The site is considered appropriate for a small neighbourhood centre and there are no obvious impediments to providing a high quality urban design that integrates with the locality;
- Any design of a future neighbourhood centre will be assessed by way of a DA and associated merits-based assessment;
- While the ACECS 2010 does not identify a centre within Aberglasslyn, the proposal to rezone land for the purposes of permitting a small neighbourhood centre in Aberglasslyn is consistent with the objectives of the Aberglasslyn Area Plan. The proposal is consistent with the Assessment of Planning Proposals outlined under the ACECS 2010 (p. 41).

The Aberglasslyn Investigation Area is one of the identified urban release areas within the MUSS 2008. This investigation area forms an extension to existing residential zoned land, including the subject site. The rezoning proposal is further justified on the grounds that land within this investigation area is proposed to be rezoned for residential purposes, which will also require access to the goods and services that can be provided by a small neighbourhood centre.

Activity Centres & Employment Clusters Strategy 2010

The Activity Centres and Employment Clusters Strategy 2010 (ACECS 2010) identifies a hierarchy for centres within the Maitland LGA. This hierarchy has been established in order to plan centres at an appropriate scale and within the most suitable locations to support the expanding urban populations within the Maitland LGA.

Economic analysis and justification has been prepared by the proponent to inform the need for the proposed neighbourhood centre. The preparation of this report is consistent with requirements for assessment of out-of-centre developments. The ACECS 2010 states that impact assessments *"are required for significant development proposals for a land use best suited within an activity centre of for an employment generating* *activity best suited within an employment cluster which is located outside and is inconsistent with the strategies and principles of this strategy"* (ACECS 2010 p. 42). While there is no location identified within Aberglasslyn for a proposed centre under the ACECS 2010, the Aberglasslyn Structure Plan adopted by Council in 2007 (prior to the adoption of the ACECS 2010) identified an area for neighbourhood shops. This was reiterated in the Aberglasslyn Area Plan, in Figure 1 – Aberglasslyn Structure Plan. As such, previous planning has considered the appropriateness and scale of a small neighbourhood centre within the Aberglasslyn Urban Release Area.

The ACECS 2010 (p. 42) states that *"the impact assessment must justify the location choice and demonstrate that the proposed development will have no undesirable impact on the viability of identified activity centres and employment clusters within the surrounding area; and that the proposed land use activity is easily accessible, providing links with a variety of transport options and adequate car parking and therefore the impact on traffic and congestion."* Given the status of the subject site in the Aberglasslyn Area Plan, it is considered that the justification for the use of the site for the purposes of a neighbourhood centre has previously being addressed. Furthermore, any issues regarding competition that a neighbourhood centre may introduce to other businesses in existing centres within the LGA are considered to be irrelevant to the planning process, particularly given the status of the Aberglasslyn Area Plan and the intent of that plan, including the site being mapped as a future neighbourhood centre. This is an approach that is consistent with the recently exhibited draft SEPP (Competition).

Additional justification for the proposal in accordance with the ACECS 2010 includes:

- Infrastructure is available to support the proposed neighbourhood centre;
- The environmental impact of the proposal is considered to be low; and
- There is no perceived risk to Council's strategic approach to a hierarchy of activity centres and employment clusters and no negative social impact associated with the proposal given that the site was identified in the Aberglasslyn Structure Plan as a potential neighbourhood centre and the proposal will benefit local residents.

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

There are no existing or draft SEPPs that prohibit or restrict the proposed development as outlined in this planning proposal. An assessment of relevant SEPPs against the planning proposal is provided in the table below.

SEPP	Relevance	Consistency and Implications
SEPP (Infrastructure) 2007	Provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	Nothing in this planning proposal affects with the aims and provisions of this SEPP.
SEPP No. 64 - Advertising and Signage	Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	Any future planning application for the Aberglasslyn neighbourhood centre will need to demonstrate compliance with the standards of this SEPP.
SEPP No. 55 – Remediation of Land	Provides state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.	The site was rezoned to 2(a) Residential as part of Amendment No. 92 to the Maitland LEP 1993, therefore the land use proposed is suitable for this site.

SEPP No. 22 – Shops and Commercial Premises	Permits a change of use from one kind of shop to another or one kind of commercial premises to another, within a business zone, even if the change of use is prohibited under an EPI. Development consent must be obtained and the consent authority must be satisfied that the change of use will have no, or only minor environmental effect.	Nothing within this planning proposal affects the aims or provisions of this SEPP.
SEPP No. 1 – Development Standards	This SEPP allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.	Nothing in this planning proposal affects the aims or provisions of this SEPP.

Table One: *Relevant State Environmental Planning Policies*

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

An assessment of consistency with relevant Ministerial Direction for Local Plan making (s.117) against the planning proposal is provided in the table below.

The planning proposal is consistent with the Directions except as follows:

- 1.2 Rural Zones – the planning proposal rezones land partly from a rural zone to a commercial zone.
- 1.5 Rural Lands – the planning proposal partly affects land within an existing rural zone and creates a commercial zone.
- 3.1 Residential Zones – the planning proposal rezones land partly from a residential zone to a commercial zone.
- 4.3 Flood Prone Land - the planning proposal partly rezones land from within the flood planning area to a business zone.

As detailed below, these inconsistencies are considered justified on the basis of Council's adopted Aberglasslyn Area Plan which identifies this site as a key development site for neighbourhood shops, and the minor significance of the proposal.

Ministerial Direction	Aim of the Direction	Consistency and Implications
EMPLOYMENT and RESOURCES		
1.1 Business and Industrial Zones	To encourage employment growth, protect employment land in business zones and support the viability of identified strategic centres.	The planning proposal aims to create a new small scale neighbourhood centre identified in the Aberglasslyn Area Plan. This proposal will provide a small increase in commercial and retail floorspace to provide for the convenience shopping needs of the growing residential population in this area of the Maitland LGA and, being a lower order centre, will support the function and role of the existing town centre in

Ministerial Direction	Aim of the Direction	Consistency and Implications
		Rutherford.
1.2 Rural Zones	The aim of this Direction is to protect the agricultural production value of rural land.	The planning proposal seeks to rezone a site, part of which is currently zoned 1(b) Secondary Rural, for commercial development. The proposal is therefore inconsistent with this Direction. This inconsistency is justified as the subject land is identified in Council's adopted Aberglasslyn Area Plan as a key development site for future neighbourhood shops. The effect on rural land is considered to be of minor significance as only a small part of the site is zoned rural and this is not used for agricultural production purposes.
1.3 Mining, Petroleum Production and Extractive Industries	Planning proposal not affected by this Direction.	
1.5 Rural Lands	The objective of this Direction is to protect the agricultural production value of rural land and facilitate the economic development of rural lands for related purposes.	This planning proposal partly affects land within an existing rural zone and aims to create a commercial zone. The proposal is therefore inconsistent with the Direction. This inconsistency is justified as the subject land is identified in Council's adopted Aberglasslyn Area Plan as a key development site for future neighbourhood shops. The effect on rural land is considered to be of minor significance as only a small part of the site is zoned rural and this is not used for agricultural production purposes.
ENVIRONMENT and HERITAGE		
2.1 Environment Protection Zones	Planning proposal not affected by this Direction.	
2.3 Heritage Protection	Planning proposal not affected by this Direction.	
2.4 Recreation Vehicle Areas	Planning proposal not affected by this Direction	
HOUSING, INFRASTRUCTURE and URBAN DEVELOPMENT		
3.1 Residential Zones	To encourage a variety and choice of housing, minimise the impact of residential development on the environment and resource lands and make efficient use of infrastructure and services.	The planning proposal seeks to rezone land partly within an existing residential zone for commercial purposes. The proposal however aims to support the growing residential population in this area of the Maitland LGA and the potential loss of land for residential development is negligible within the context of the Aberglasslyn Urban Release Area.
3.2 Caravan Parks and Manufactured Home Estates	Planning proposal not affected by this Direction.	

Ministerial Direction	Aim of the Direction	Consistency and Implications
3.3 Home Occupations	Planning proposal not affected by this Direction.	
3.4 Integrating Land Use and Transport	The Direction's aims require consistency with the objectives relating to the location of urban land and its proximity to public transport infrastructure, road networks and to improve access to housing, jobs and services by methods other than private vehicles.	The land is well located to support the surrounding residential development and to provide high levels of accessibility to existing road and public transport networks. The planning proposal aims to provide neighbourhood conveniences to the growing residential community and is therefore consistent with the aims of this Direction.
HAZARD and RISK		
4.1 Acid Sulphate Soils	Direction aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.	The location of the planning proposal is not affected by acid sulphate soils.
4.2 Mine Subsidence and Unstable Land	Planning proposal not affected by the Direction.	
4.3 Flood Prone Land	Direction aims to ensure that the development of flood prone land is consistent with the NSW Flood Prone land policy and ensure that LEP provisions are commensurate with flood hazard.	The planning proposal seeks to rezone land that is partly within the Council's adopted 1% flood planning area. The proposal is for commercial purposes, will not include any habitable rooms, and is considered to be an appropriate use given that the site is only partially inundated during the 1% flood event. The NSW Floodplain Development Manual (p. 1) identifies that in some circumstances it is appropriate for rezoning proposals to be permitted where they would otherwise be refused due to onerous prescriptive criteria. The subject rezoning proposal is considered to be an appropriate use for the site, despite part of the site being inundated during the 1% flood event. The commercial nature of the future intended use of the site following rezoning means that there is low risk to life and property associated with such a use of the site.
4.4 Planning for Bushfire Protection	Planning proposal not affected by this Direction.	
REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	Direction requires a planning proposal to be consistent with the relevant State strategies that apply to the LGA.	The planning proposal is considered consistent with the neighbourhood planning principles for new release areas in the Lower Hunter Regional Strategy, particularly those principles associated with accessibility to centres (LHRS p. 26).

Ministerial Direction	Aim of the Direction	Consistency and Implications
LOCAL PLAN MAKING		
6.1 Approval and Referral	Direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development	The planning proposal does not affect the objectives of this Direction and will be consistent with this requirement.
6.2 Reserving Land for Public Purpose	Direction aims to prevent a draft LEP from altering available land for public use.	The planning proposal does not affect any reservation of public land.
6.3 Site Specific Provisions	Direction aims to discourage unnecessarily restrictive site specific controls.	It is proposed that this land be rezoned from a residential and rural zone to a 3(a) General Business zone under the Maitland LEP 1993, or B1 Neighbourhood Centre zone if the amendment is made to the proposed Maitland LEP 2011. The objectives, permissible activities and associated development controls currently in place will continue to be applied to this land once rezoned. Should the rezoning form an amendment to the MLEP 2011, amendments would also be required to the FSR map and Lot Size map.
METROPOLITAN PLANNING		

Table Two: *Relevant s.117 Ministerial Directions*

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?*

The subject site was partly rezoned to 2(a) Residential as part of Amendment No. 92 to the Maitland LEP 1993. As such all planning and environmental matters were addressed as part of that amendment. In any case, there are no Endangered Ecological Communities (EECs) present within the subject site. The referral of the application to the Director-General of the DECCW in accordance with section 34A of the Environmental Planning and Assessment Act, 1979 is not required in this instance.

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

Traffic

Given that the proposal involves rezoning the subject site for the purposes of creating a neighbourhood centre, the impact from traffic resulting from the proposal is expected to be negligible. The centre is proposed to service the existing and future proposed residents of Aberglasslyn, meaning that any traffic impact would most likely be localised and, in most cases, would be a result of residents shopping for short periods for convenience items. Since the purpose of the centre is to provide convenience goods and services as opposed to residents' weekly shopping needs, carparking is not expected to be an issue at the site, since short shopping times equate to carparking spaces being utilised for short periods only. The size of the site and the nature of the intended future use mean that ample area exists within the site that could be dedicated to carparking. Council is satisfied that the proposal to rezone the site would not result in adverse traffic and access issues for local residents or the general public.

Flooding & Stormwater

The Maitland Citywide DCP Chapter Hunter River Floodplain Management mapping illustrates that the subject site is inundated during the 1% flood (up to RL12.3), but is not located within a declared floodplain or floodway (see **Appendix 9**). While the planning proposal seeks to rezone land within the site that is partly within Council's adopted 1% flood planning area, the proposal is for commercial purposes, will not include any habitable rooms, and is considered to be an appropriate use given that the site is only partially inundated during the 1% flood event. The NSW Floodplain Development Manual (p. 1) identifies that in some circumstances it is appropriate for rezoning proposals to be permitted where they would otherwise be refused due to onerous prescriptive criteria. The subject rezoning proposal is considered to be an appropriate use for the site, despite part of the site being inundated during the 1% flood event. The commercial nature of the future intended use of the site following rezoning means that there is low risk to life and property associated with such a use of the site.

Hydrological investigations at the DA stage will need to determine the extent of flooding on the whole of the site to confirm the precise area of land affected by flooding. Consideration will also need to be given to the location of future stormwater detention basins to ensure that stormwater flows within the site do not contribute to flooding within the site or in the immediate locality. The assessment should consider the likely areas for stormwater detention within the site, in addition to identifying appropriate methods for ensuring stormwater quality is maintained.

There are likely to be opportunities for filling to negate the effects of flooding at the site in any case, with any proposal to fill areas within the site being subject to planning and engineering assessment at the DA stage. Should the option of filling be pursued, certification would need to be provided from a qualified engineer to demonstrate that fill could withstand the effects of flooding and that it will not result in altered hydrological flows in the locality.

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

Social

The planning proposal will generally achieve positive social outcomes for the residents of Aberglasslyn.

Council considers that the following social and economic benefits could result from this planning proposal:

- Minimisation of vehicle trips and travel distances for residents located within Aberglasslyn that simply require convenience items or basic services;
- Consolidation of linkages within the Aberglasslyn URA between residential land, recreation land and the future neighbourhood centre at the site;
- The extension of public and passive transport networks to a neighbourhood centre for residents within Aberglasslyn; and
- Urban design that fosters a sense of community by creating a formal gateway to the Aberglasslyn URA.

Economic

While there is no location identified within Aberglasslyn for a proposed centre under the ACECS 2010, the Aberglasslyn Structure Plan adopted by Council in 2007 (prior to the adoption of the ACECS 2010) identified an area for neighbourhood shops. This was reiterated in the Aberglasslyn Area Plan, in Figure 1 – Aberglasslyn Structure Plan. As such, previous planning has considered the appropriateness and scale of a small neighbourhood centre within the Aberglasslyn Urban Release Area. The maximum size of the Gross Floor Area is shown on the preliminary DA concept plans, which are included under **Appendix 3**.

Given the status of the subject site in the Aberglasslyn Area Plan, it is considered that the justification for the use of the site for the purposes of a neighbourhood centre has previously being addressed. Furthermore, any issues regarding competition that a neighbourhood centre may introduce to other businesses in existing centres within the LGA are considered to be irrelevant to the planning process, particularly given the status of the Aberglasslyn Area Plan and the intent of that plan, including the site being mapped as a future neighbourhood centre. This is an approach that is consistent with the recently exhibited draft SEPP (Competition).

Additional justification for the proposal in accordance with the ACECS 2010 includes:

- Infrastructure is available to support the proposed neighbourhood centre;
- The environmental impact of the proposal is considered to be low; and
- There is no perceived risk to Council's strategic approach to a hierarchy of activity centres and employment clusters and no negative social impact associated with the proposal given that the site was identified in the Aberglasslyn Structure Plan as a potential neighbourhood centre and the proposal will benefit local residents.

Section D – STATE and COMMONWEALTH INTERESTS

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

The provision of public infrastructure has been considered with Amendment No.92 to the Maitland LEP 1993 which resulted in the Aberglasslyn Urban Release Area. This planning proposal is not considered likely to place additional demands on public infrastructure.

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

Relevant State and Commonwealth departments and agencies have been previously consulted during the preparation of Amendment No. 92 to the LEP, the Structure plan and Area Plan and comments were previously taken into consideration during these planning processes.

Accordingly, Council will not specifically be seeking any comments from State or Commonwealth Authorities in regard to this planning proposal.

PART 4: COMMUNITY CONSULTATION

In accordance with Section 57(2) of the Environmental Planning and Assessment Act 1979, this planning proposal must be approved prior to community consultation is undertaken by the local authority. Given the minor scale of the proposal and the low impact resulting from the proposal, it is considered appropriate that the planning proposal only be exhibited for a period of fourteen (14) days.

In accordance with Council's adopted *Community Engagement Strategy (March 2009)*, consultation on the proposed rezoning will be to inform and received limited feedback from interested stakeholders. To engage the local community the following will be undertaken:

- Notice in the local newspaper;

- Exhibition material and relevant consultation documents to be made available at the Rutherford Library and Council's Administration Building;

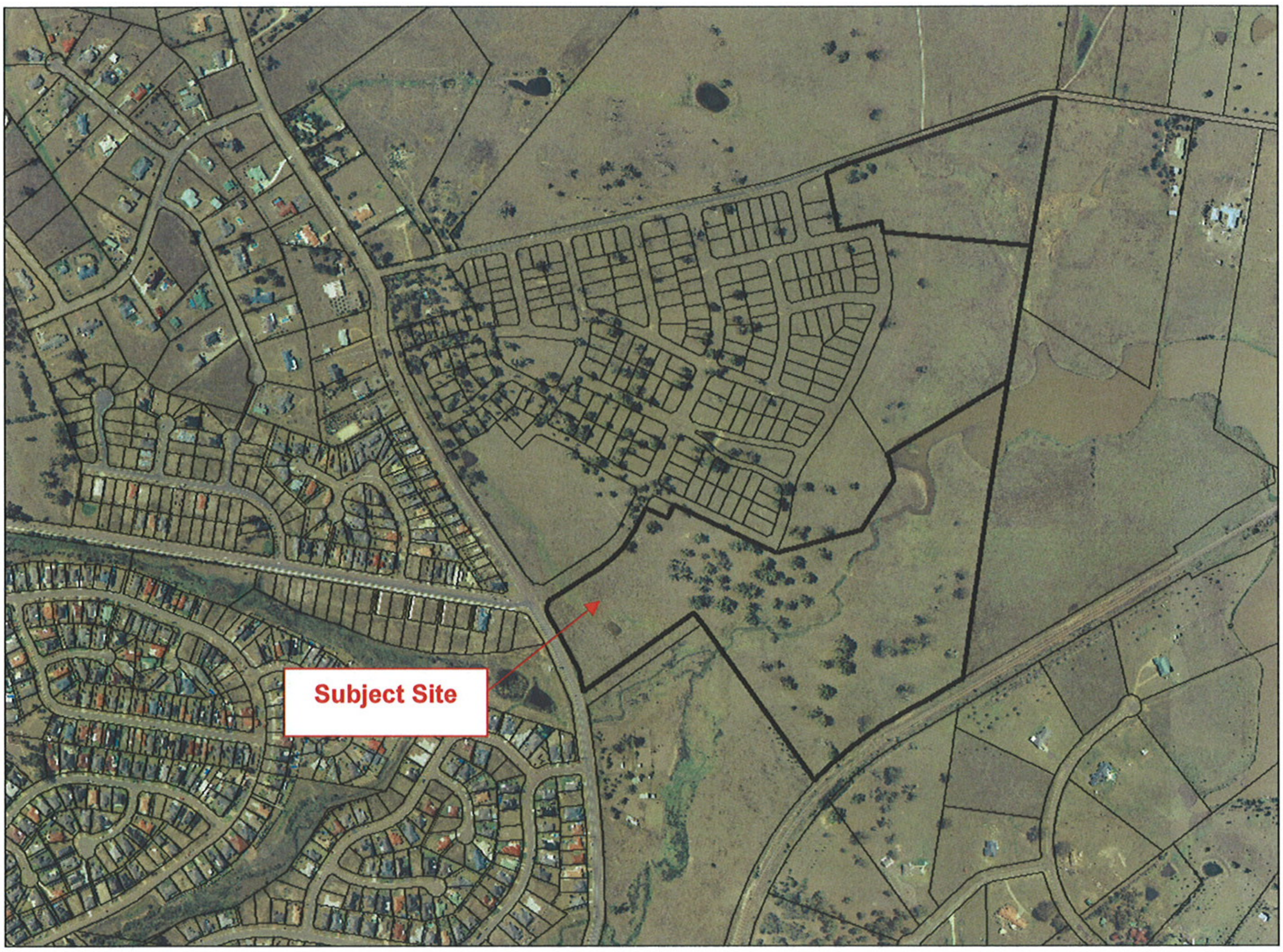
- Consultation documents to be made available on Council's website; and

- Letters, advising of the proposed rezoning and how to submit comments will be sent to adjoining landowners and other stakeholders that Council deem relevant to this rezoning proposal.

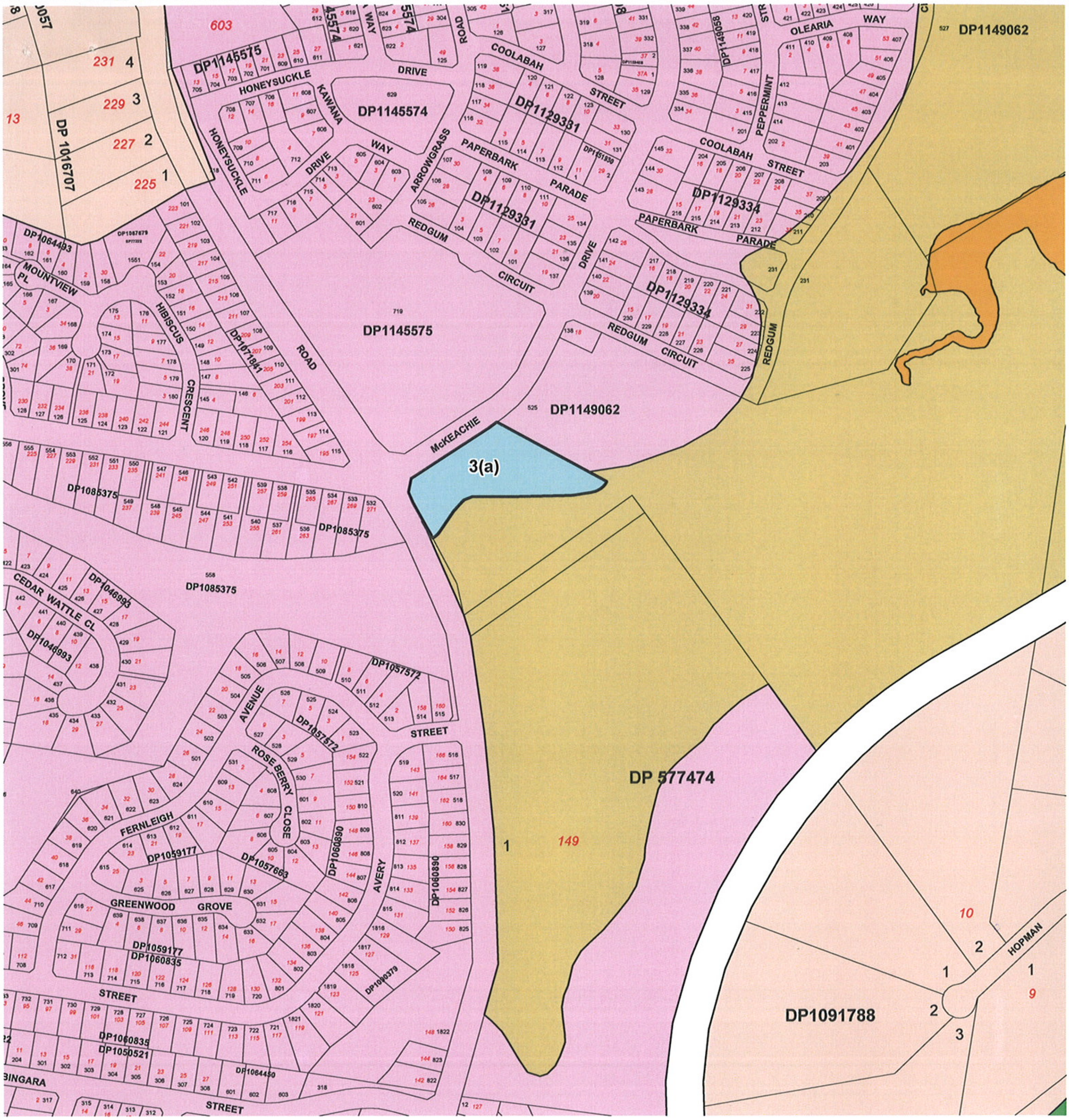
At the close of the consultation process, Council officers will consider all submissions received and present a report to Council for their endorsement of the proposed rezoning before proceeding to finalisation of the amendment.

The consultation process, as outline above does not prevent any additional consultation measures that may be determined appropriate as part of the 'Gateway' determination process.

Appendix ONE
Location Map


Subject Site

Appendix TWO
Proposed Zoning Map



Proposed MLEP 1993 Zoning Changes

3(a) GENERAL BUSINESS

Draft MLEP 2011 Equivalent Zones

B1 NEIGHBOURHOOD CENTRE

MAITLAND CITY COUNCIL

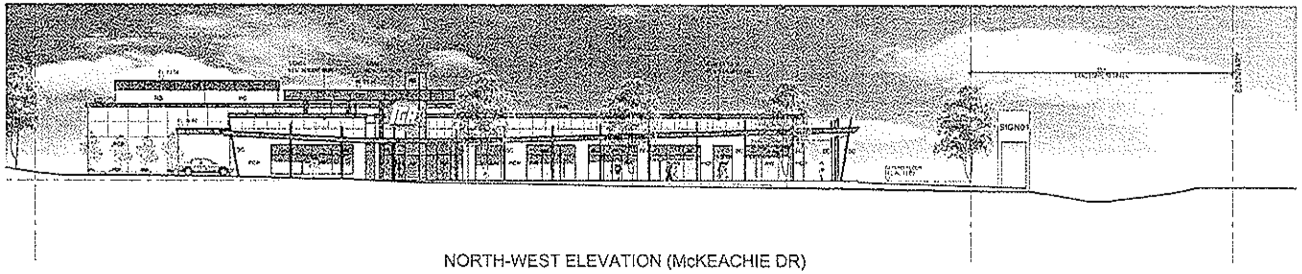
Scale 1 : 5 000
Printing Date: December 2010

NORTH

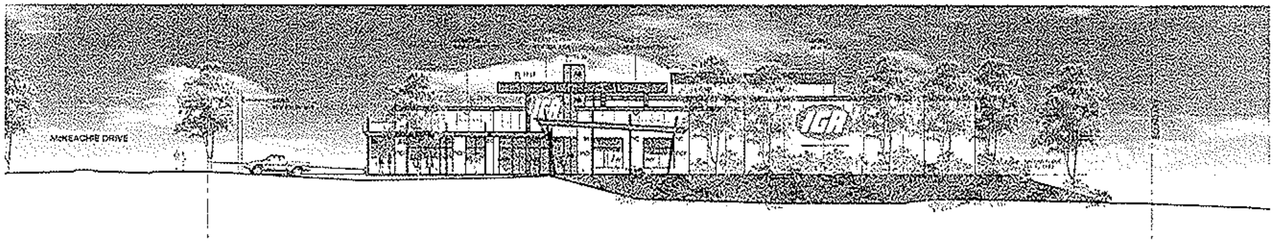
Proposed MLEP 1993 Draft Amendment Zoning Changes Overlaid with Draft MLEP 2011 Equivalent Zones

This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change over a limited time and should therefore be verified with Maitland City Council

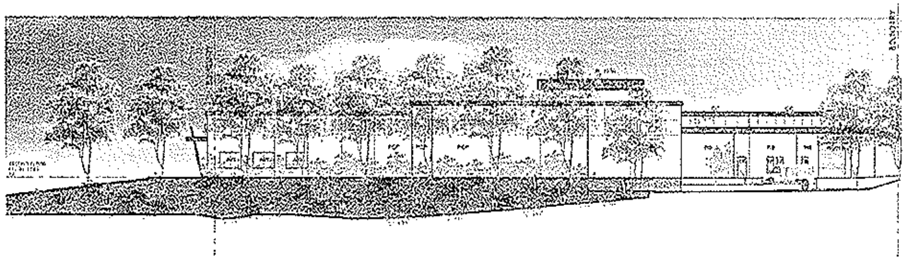
Appendix THREE
Indicative Layout of Proposal



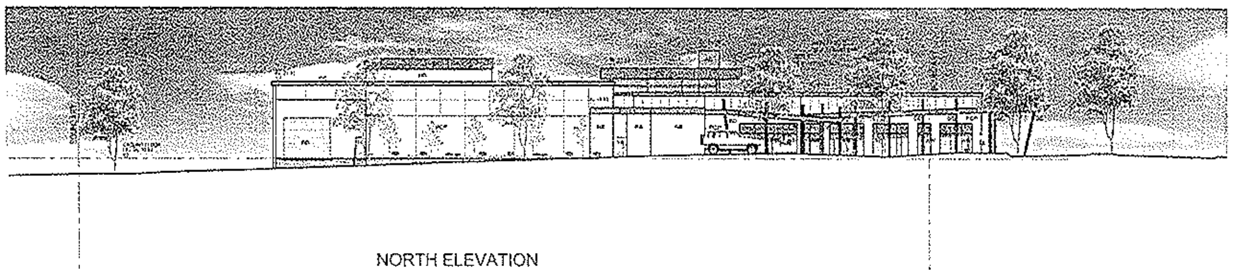
NORTH-WEST ELEVATION (McKEACHIE DR)



SOUTH-WEST ELEVATION (ABERGLASSLYN RD)



EAST ELEVATION



NORTH ELEVATION

LEGEND

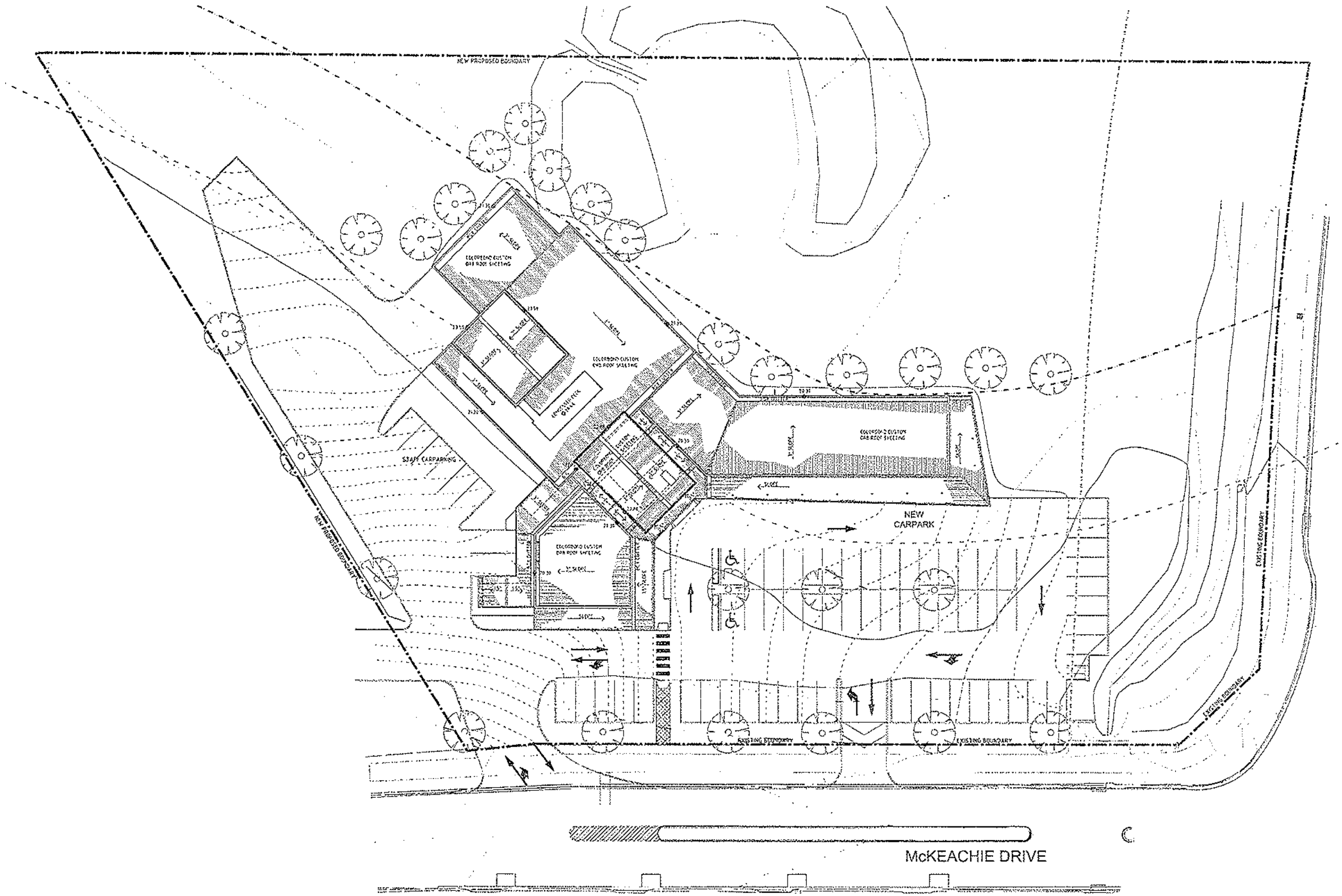
PROPOSED NEW CONVENIENCE SHOPS
Cnr Aberglasslyn Rd & McKeachie Dr, Aberglasslyn, NSW

Client: JMG Holdings Pty Ltd

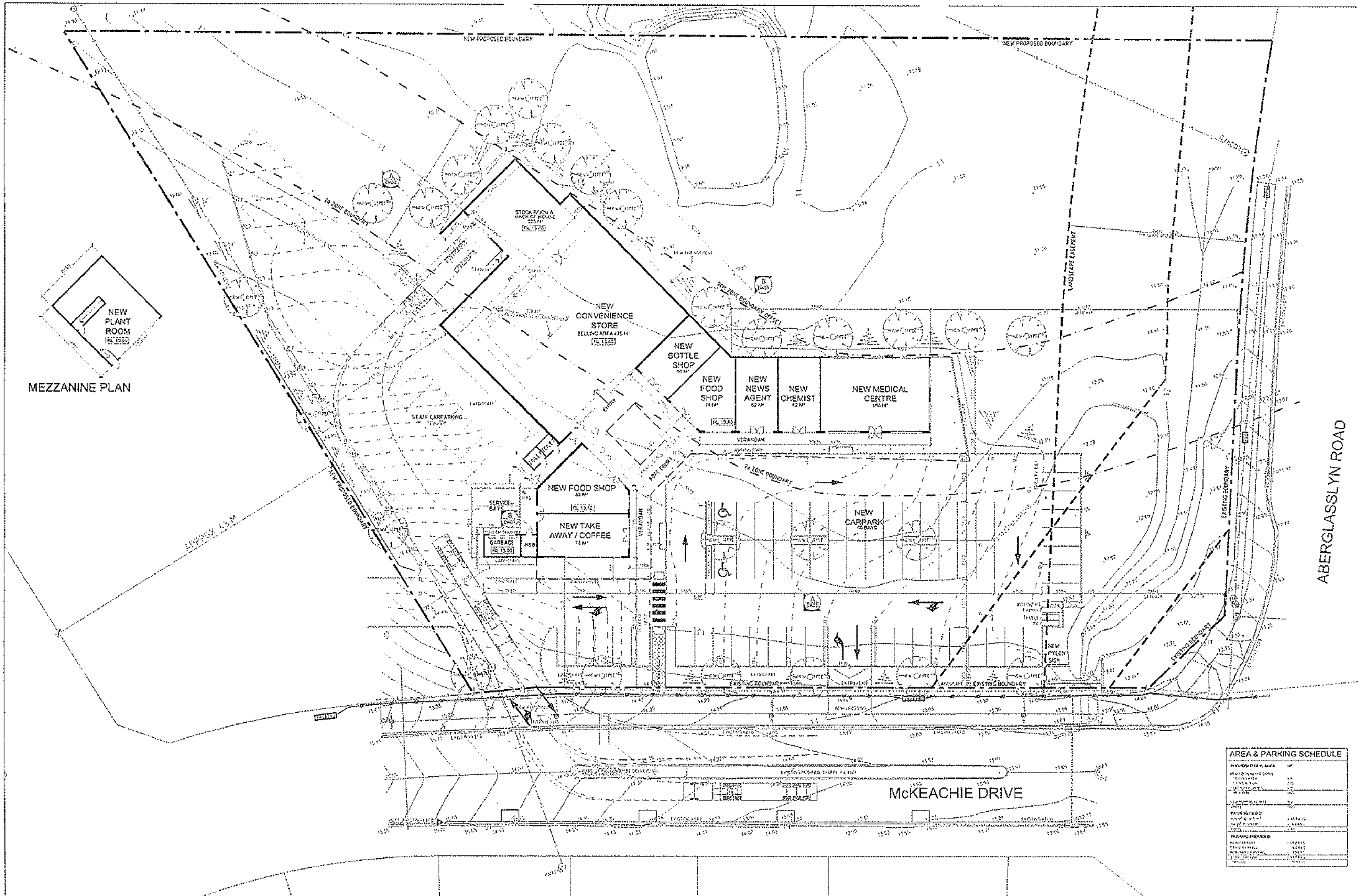
COLOR ELEVATIONS

Christiansen O'Brien Pty Ltd

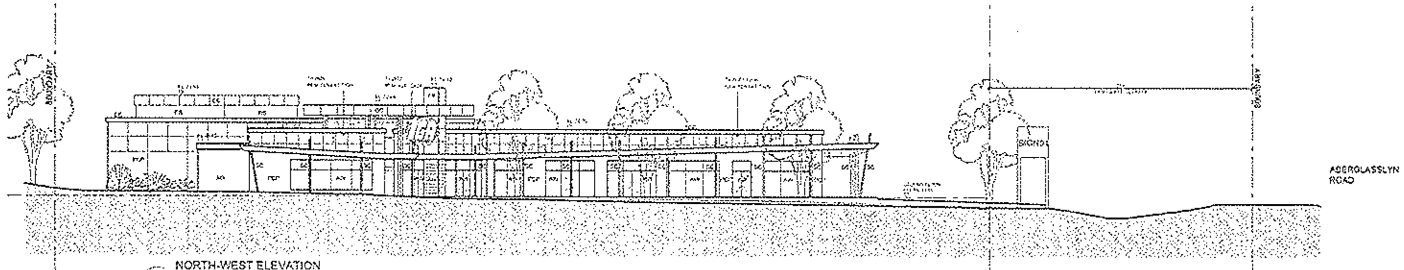
May 2010



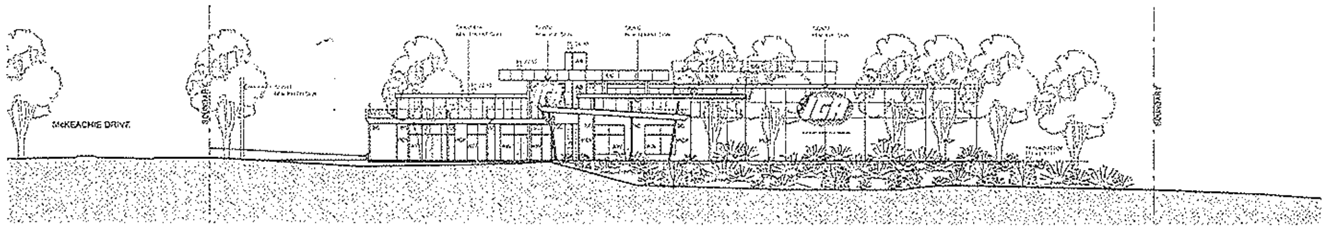
PROPOSED NEW CONVENIENCE SHOPS CNR ABERGLASSLYN RD & McKEACHIE DR ABERGLASSLYN, NSW	JMG HOLDINGS PTY LTD	PROPOSED ROOF PLAN	CHRISTIANSEN O'BRIEN PTY LTD	NORTH	P2 DA02



PROPOSED NEW CONVENIENCE SHOPS CNR ABERGLASSLYN RD & McKEACHIE DR ABERGLASSLYN, NSW	JMG HOLDINGS PTY LTD	PROPOSED SITE PLAN & MEZZANINE PLAN	CHRISTIANSEN O'BRIEN	P3 DA01

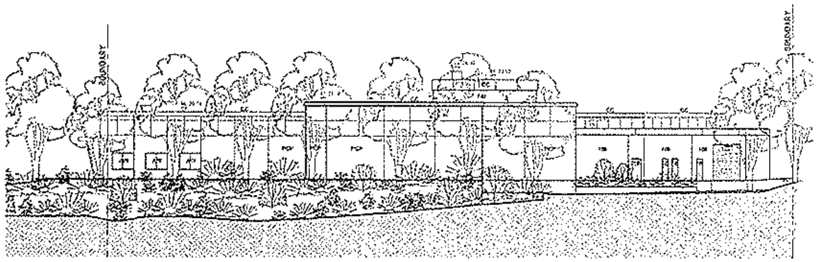


1 NORTH-WEST ELEVATION (McKEACHIE DRIVE)
SCALE: 1:200

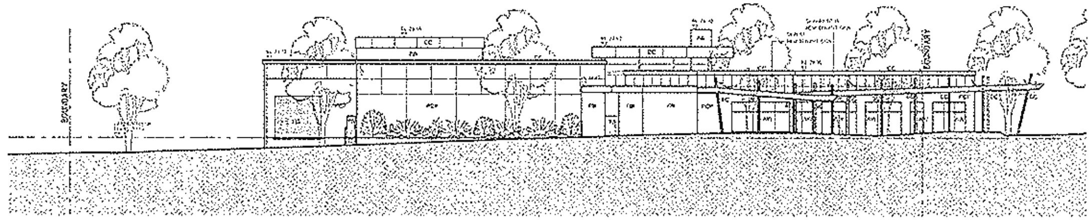


2 SOUTH-WEST ELEVATION (ABERGLASSLYN ROAD)
SCALE: 1:200

LEGEND



3 EAST ELEVATION
SCALE: 1:200



4 NORTH ELEVATION
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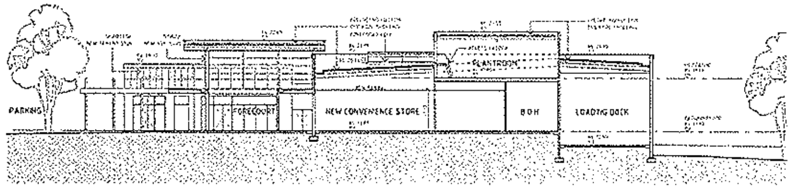
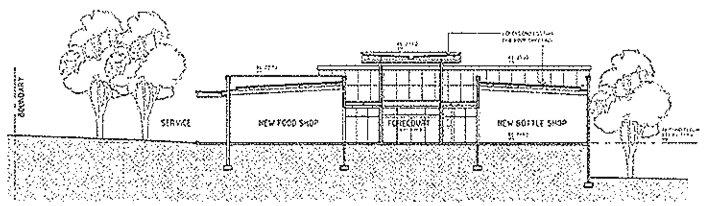


5 SECTION A
SCALE: 1:200



6 SECTION B
SCALE: 1:200

PROPOSED NEW CONVENIENCE SHOPS CNR ABERGLASSLYN RD & McKEACHIE DR ABERGLASSLYN, NSW	JMG HOLDINGS PTY LTD	ELEVATIONS & SECTIONS	CHRISTIANSEN O'BRIEN	NORTH	P3 DA03