

PLANNING PROPOSAL

Amendment to the Draft Maitland LEP 2011

Rezoning of Glenwood Business Park Thornton

RZ10004 & RZ10017

(Part Lot 811 DP 1152320 Thornton Road, Glenwood Drive and New England Highway; Lot 37 DP 755205 New England Highway; Lot 1 & DP 833057 New England Highway; Lot 2 DP 833057 Thornton Road)



**Version 0.1
29.09.2011**

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Version

Version 0.1 – 29/9/2011 (Report to Council- Initiate Gateway Process)

INTRODUCTION

The planning proposal explains the intended effect of, and justification for the proposed amendment to *Maitland Local Environmental Plan 2011* with regard to lands at Glenwood Business Park, known as part Lot 811 DP 1152320, Lot 37 DP 755205, Lot 1 and 2 DP 833057, Thornton. It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the relevant Department of Planning and Infrastructure Guidelines, including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

The purpose of the planning proposal is to rezone lands referred to as part Lot 811 DP 1152320, Lot 37 DP 755205, Lot 1 and Lot 2 DP 833057 at Thornton, for business purposes. This portion of lands form the owner initiated urban extension proposal, as identified within the Maitland Urban Settlement Strategy 2010, extending the existing employment lands at Thornton.

Council resolved on the 25 August 2009, to adopt a policy position for the assessment of sites suitable for urban infill or extension development, with the subject lands being a Category 2 site to be further investigated for inclusion in the comprehensive Maitland LEP 2011.

Council received a rezoning submission for the lands known as part Lot 811 DP 1152320, Lot 37 DP 755205 and Lot 1 DP 833057 on the 27 January 2010 and for lands known as Lot 1 and 2 DP 833057 on the 9 November 2010.

An assessment of the rezoning submissions considered that the lands are appropriate for business related purposes as an extension site however further investigation was necessary, post the finalization of the Maitland LEP 2011 to determine the defined zoning outcomes for the lands.

The Draft Maitland LEP 2011 was notified to the Minister for Planning for finalization on 2 August 2011. It is progressing on track and anticipated to be gazette prior to the end of 2011.

This planning proposal is consistent with Council's adopted policy framework for urban extension sites which was endorsed by the Department of Planning on 1 September 2009. Additionally, the site is identified within the Maitland Urban Settlement Strategy (MUSS) 2010 as a potential site for urban extension development.

Consequently, Council is seeking to progress this planning proposal through the gateway determination process as an amendment to the Maitland LEP 2011, post the gazettal of the draft plan.

The lands are identified as Glenwood Business Park and refer to part Lot 811 DP 1152320, Lot 37 DP 755205 and Lot 1 and 2 DP 833057 at Thornton. The lands are bound by the railway line to the north, Thornton Road to the west, the New England Highway to the south and the wetlands to the east. This is depicted in **APPENDIX 1- Locality Plan**, appended to this report.

PART 1: OBJECTIVES or INTENDED OUTCOMES

The objectives of this planning proposal for the rezoning of lands known as Glenwood Business Park are to:

- Enable the development of the lands for business purposes;

- Encourage employment opportunities in the eastern sector of the LGA;
- Cater for a range of low intensity business uses whilst minimising any adverse effect of business related activities on other land uses;
- Ensure development for business purposes would be sensitive to the existing density and scale of adjoining Thornton Industrial Estate;
- Mitigate the access and traffic issues to be generated as a consequence of the lands proximity to the major transport nodes; and
- Conserve the environmentally sensitive surrounding lands, being the SEPP 14 Wetlands.

The planning proposal signals Council's intent for future zoning decisions in relation to Council's preparation of the Maitland LEP 2011. This amendment will support the strategic approach of Council to accommodating employment growth in the Maitland Local Government (LGA).

PART 2: EXPLANATION of PROVISIONS

The objective of this planning proposal is intended to be achieved through amending the Maitland Local Environmental Plan 2011. The amendment would involve a change to the land zoning for the proposed lands for rezoning. This involves a change to the Land Zoning Map contained in the Dictionary under Clause 1.4 of the Maitland LEP 2011 as an additional amendment map would need to be included in this clause. It also involves a change to the Minimum Lot Size Map contained in the Dictionary under Clause 1.4 of the Maitland LEP 2011 as an additional amendment map would need to be included in this clause to show that no minimum lot size applies to the subject lands.

This is described in Table 1 below and shown in the proposed zoning map in **Appendix 2-Proposed Zoning Map**.

Land Description	Current Zoning	Proposed Zoning
Part Lot 811 DP 1152320 Lot 37 DP 755205 Lot 1 and 2 DP 833057	Zone 1(b) Secondary Rural Lands under Maitland LEP 1993 Zone RU2 Rural Landscape under Maitland LEP 2011	A mix of business zones including B5 Business Development and B6 Enterprise Corridor

Under the provisions of the Draft Maitland LEP 2011 the lands are currently zoned RU2 Rural Landscape and adjoin E2 Environmental Conservation to the east and B5 Business Development to the west. The LEP amendment would rezone the lands for business purposes, providing a combination of the B5 Business Development zone and the B6 Enterprise Corridor zone. The combination of these zones will be determined post a gateway determination, once further studies of the lands have been completed.

The amendment to the Maitland LEP 2011 would involve a change to the Land Zoning Map 007 to reflect the zoning change on site and Minimum Lot Size Map 007 to reflect the change in minimum lot size across the site.

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 subject lands are identified as a site with potential for urban extension development within the Maitland Urban Settlement Strategy (MUSS) 2010. The MUSS 2010 was adopted by Council at the ordinary Council meeting of the 30 August 2011 and will be forwarded to the Department of Planning & Infrastructure for endorsement.

In response to the implementation of the MUSS 2010, a specific request was made by the owners of the lands to rezone the site from the existing rural zone to enable the development of the lands for business purposes.

Council resolved on the 25 August 2009 that the subject lands be included in the assessment of sites suitable for urban infill and extension development. In accordance with the urban infill and extension framework, the subject lands were determined to be a Category 2- Spot Rezoning site, i.e. a site that is a logical extension to the existing urban area. Council resolved that assessment of Category 2 sites be progressed with the preparation of the Maitland LEP 2011 subject to a written request from the landowner and lodgement of a suitable rezoning application.

The Department of Planning were notified of Council's resolution regarding urban infill and extension sites and in their correspondence on 29 October 2009 noted that:

"The Department is supportive of the concept of urban infill and urban extension consistent with Council's broader strategic framework. The Council may consider this letter as one of support for proceeding with the adopted framework and inclusions of the identified sites within the draft LEP 2011 provided this does not cause any unnecessary delays to its progression."

Council received a rezoning submission for the subject lands known as part Lot 811 DP 1152320, Lot 37 DP 755205 and Lot 1 DP 833057 on the 27 January 2010 and for lands known as Lot 1 and 2 DP 833057 on the 9 November 2010.

The assessment of the rezoning submissions against the objectives of the MUSS 2008 and MUSS 2010 was undertaken. It is considered that the rezoning of the subject lands re-affirms the principles of urban extension, with services and access to be extended from the existing employment lands immediately to the west. This planning proposal is consistent with the MUSS and Council's adopted framework for urban

extension sites.

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 2011 through the gateway process and preparation of this planning proposal is the most effective and timely method to achieve the objectives of the Maitland Urban Settlement Strategy 2010, Council's adopted policy position on urban infill and extension sites and the desired future outcomes for the subject lands known as Glenwood Business Park.

The Draft Maitland LEP 2011 was notified to the Department of Planning & Infrastructure for finalisation on the 2 August 2011. It is progressing on track and anticipated to be gazetted prior to the end of 2011. Consequently this planning proposal has been prepared to be progressed through the gateway determination process as an amendment to the Maitland LEP 2011 upon the gazettal of the draft plan.

This planning proposal for the rezoning of subject lands re-affirms the principles of urban extension, with services and access to be extended from the existing employment lands immediately to the west. An assessment of character, environment, infrastructure and design against the objectives outlined in the MUSS 201 has been undertaken and can be achieved through this planning proposal. It is therefore considered that the planning proposal is consistent with the MUSS and Council's adopted framework for urban extension sites.

3. Is there a net community benefit?

Council envisages that this planning proposal will result in a net community benefit.

Specifically, the subject lands are considered as part of the adopted policy position for urban infill and extension sites identified within Council's Maitland Urban Settlement Strategy 2010. Therefore the proposed amendment is consistent with the outcomes of the MUSS 2010 and Council's adopted framework for urban extension sites.

The rezoning of the subject site would enable development of the lands for business purposes, contributing to the local economy given that it encourages employment opportunities and caters for a range of low intensity business uses whilst minimising the adverse effect of business related activities on other land uses.

The public interest reasons for preparing this draft plan include:

- The development of subject lands will support the growing residential population in the Maitland LGA, encouraging additional employment opportunities in the Maitland region;
- The land has largely exhausted its historical use and the proposal to develop part of the lands for business purposes will result in an improved outcomes and higher order use of the land;
- Existing environmentally sensitive areas on the site will be protected due to the retention of the E2 Environmental Conservation zone in the area. This enables the retention and protection of existing vegetation corridors on site.

The implications of not proceeding with the planning proposal include:

- The potential of the proposed urban infill and extension site, as endorsed in the MUSS 2010, to not be achieved in the instance the proposal is not supported;
- The desired future outcomes of Council's long term strategic plans (MUSS 2010) for this are will not be achieved;

- The potential for a higher order land use within the subject lands would be lost, as the land is not viable to support sustainable agricultural practices, due to its fragmented nature and its proximity to the New England Highway and adjoining business developments;
- The potential for improvements to the existing infrastructure would be limited;
- Opportunities to encourage employment in the area will be denied if the proposal is not supported.

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 Lower Hunter Regional Strategy identified individual release areas generally with an area greater than 50 hectares. However sites less than 50 hectares, such as the urban extension site identified as part of Lot 811 DP 1152320, Lot 37 DP 755205 and Lot 1 and 2 DP 833057, are capable of being developed if they are consistent with the principles of the strategy and if they are identified within an endorsed local strategy.

The subject lands and the objectives of this planning proposal are consistent with the principles of the Lower Hunter Regional Strategy. In addition, the lands are not viable to support agricultural practices due to the fragmented nature of the site, the site's proximity to the New England Highway and adjoining employment lands. The site is not known to contain any viable mineral or extractive resources. The subject lands are land identified as having urban extension development potential under the policy position contained in the adopted local strategy, being the MUSS 2010. Therefore there are capabilities for the site to be rezoned for business purposes.

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

The Community Strategic Plan, Maitland 2021, was adopted by Council on the 22 February 2011. The Delivery Plan 2011-2015, detailed Council's strategies and actions to assist in meeting outcomes outlined in Maitland 2021. This document establishes clear links to the ten year community strategic plan, Maitland 2021. Council has developed an associated Resourcing Strategy covering the assets, people, financial requirements and time required to deliver strategies. In regards to land use strategies, the following documents provide the appropriate strategic policy framework to support this planning proposal. This planning proposal achieves objective 7.2.1 *to ensure land and housing choice is consistent with forecast demographic demand* of the Delivery Plan 2011-2015.

Maitland Urban Settlement Strategy 2001-2021 (Maitland City Council) – 2010 Edition

The site is identified within the MUSS 2010 as a potential site for urban extension development.

Council resolved on the 25 August 2009 that the subject site be included in the assessment of site suitable for urban infill and extension development. In accordance with the urban infill and extension framework, the subject lands were determined as a Category 2- Spot Rezoning site, i.e. a site that is a logical extension to the existing urban area. Council resolved that assessment of Category 2 sites be progressed with the

preparation of the Maitland LEP 2011 subject to a written request from the landowner and lodgment of a suitable rezoning application.

Council received a rezoning submission for part of the subject lands on the 27 January 2010 and for the remainder of the subject lands on 9 November 2010. An assessment of the rezoning submissions considered that the lands are appropriate for business related purposes as an extension site however further investigation was necessary, post the finalization of the Maitland LEP 2011, to determine the defined zoning outcomes of the lands.

It is considered that the rezoning of the subject site re-affirms the principles of urban extension, with services and access to be extended from the existing employment lands to the west. This planning proposal is consistent with the MUSS 2010 and Council's adopted framework for urban extension sites.

Maitland Activity Centres and Employment Clusters Strategy

Maitland's Activity Centres and Employment Clusters Strategy identifies that employment corridors provide a range of business activities that are located on major transit routes, such as the New England Highway, or significant local routes. Identifying a contained area for development as a corridor reduces 'ribbon' development and assists in creating viable clusters of economic activity.

The strategy envisages the New England Highway as a corridor that should continue to reinforce its primary role as a significant corridor for the movement of freight and people, locally, regionally and nationally and to provide appropriate opportunities for business and residential uses which service the users and utilize this highly accessible corridor.

The key policy objectives which are considered in terms of this particular planning proposal include:

- Activities fronting the NEH should cater for the travelling public, without impacting on its primary function;
- Reducing ribbon development and consolidating clusters close to existing centers along the NEH; and
- Activities along the NEH should provide for a range of employment uses, without limiting the vitality and viability of centres and in locations which have accessibility to high frequency public transport routes.

In regard to the policy objectives of the Activity Centres and Employment Clusters Strategy, the proposal is consistent.

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

There are a number of existing SEPPs that are relevant to the proposal development as outlined in this planning proposal. An assessment of relevant SEPPs against the planning proposal is provided in the table below. A list of all applicable SEPPs is appended to this report as **APPENDIX 4: Applicable State Environmental Planning Policies**.

SEPP	Relevance	Consistency and Implications
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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 (Rural Lands) 2008	Provides state-wide planning controls to facilitate the orderly and economic use and development of rural lands for rural and related purposes. In addition it identifies the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purposes of promoting the social, economic and environmental welfare of the State.	The planning proposal is inconsistent with the Rural Lands SEPP (2008) as it is proposing the rezoning of lands zoned for rural purposes to business related purposes and therefore is not facilitating the orderly and economic development of rural lands for rural related purposes. However the subject lands are identified as a site appropriate for urban infill and extension development as identified in the adopted MUSS 2010. In addition the site is not practical for sustainable agricultural practices due to the fragmented nature of the site and its proximity to the existing industrial area of Thornton and the New England Highway.
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 uses because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.	In accordance with State Environmental Planning Policy (SEPP) No. 55- Remediation of Land, a contamination assessment of the subject lands needs to be completed and submitted to Council prior to the completion of the rezoning process. Part of the site has been filled in accordance with approved works associated with the Weakley's Drive overpass and the Thornton to Beresfield Link Road Project. Subsurface condition testing of part of the site has also been investigated as part of the above mentioned works. Council is satisfied that any contamination on site can be managed appropriately through the remainder of the rezoning process and the development assessment of the proposal and will hence not preclude the rezoning of the lands for business purposes subject to Council receiving a detailed contamination assessment of the subject lands prior to the development assessment stage of the process to ensure appropriate remediation of the site occurs if necessary.

Table One: Relevant State Environmental Planning Policies

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

The proposed development is not inconsistent with any s. 117 Ministerial Directions. An assessment of relevant s. 117 Directions against the planning proposal is provided in the table below.

Ministerial Direction	Aim of the Direction	Consistency and Implications
EMPLOYMENT and RESOURCES		
1.1 Business and Industrial Zones	Encourage employment growth, protect employment land in business zones and support the viability of identified strategic centres.	It is proposed to rezone the subject lands from rural to employment lands. The majority of the site is currently zoned for rural purposes. The zoning of the lands for business related purposes is justified by the endorsed MUSS 2010 which identifies the subject lands as sites appropriate for urban infill and extension development. In addition the site is supported by the strategic framework of the Maitland Activity Centres and Employment Clusters Strategy. This strategy identifies that employment corridors provide a range of business activities that are located on major transit routes, such as the New England Highway. Identifying a contained area for development as a corridor, like that of the subject lands, reduces ribbon development and assists in creating viable clusters of economic activity. The proposal is therefore consistent with this direction.
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	It is proposed to rezone the subject lands from rural to employment lands. The majority of the site is currently zoned for rural purposes. This is justified by the endorsed MUSS 2010 which identifies the adopted policy position for urban infill and extension development, which the site is identified as. In addition the site, at present, does not support prime agricultural uses. Therefore the proposal is consistent with this direction.
1.3 Mining, Petroleum Production and Extractive Industries	NA	

Ministerial Direction	Aim of the Direction	Consistency and Implications
1.5 Rural Lands	To protect the agricultural production value of rural land, and facilitate the orderly and economic development of rural lands for rural related purposes.	The subject land comprises rural land that is not viable to support prime agricultural uses due to the site's proximity to the existing industrial area of Thornton and the New England Highway. Hence, the lands have been identified as suitable for urban infill and extension development as it forms a logical extension of the existing employment lands in Thornton. Rezoning the subject lands will not result in the loss of sustainable and viable rural lands and hence the inconsistency with the aims of this direction is justified.
ENVIRONMENT and HERITAGE		
2.1 Environment Protection Zones	NA	
2.2 Coastal Protection		
2.3 Heritage Protection	NA	
2.4 Recreation Vehicle Areas	NA	
HOUSING, INFRASTRUCTURE and URBAN DEVELOPMENT		
3.1 Residential Zones	NA	
3.2 Caravan Parks and Manufactured Home Estates	NA	
3.3 Home Occupations	NA	
3.4 Integrating Land Use and Transport	The objectives relate to the location of urban structures, building forms, land use locations, development designs, subdivision and street layouts and their proximity to public transport infrastructure and road networks and improving access to housing, employment and service methods other than private vehicles.	The planning proposal for rezoning is identified within the adopted MUSS 2010 and was formally identified within the endorsed MUSS 2008 and within Council's adopted policy position on urban infill and extension development. The planning proposal would enable development of the lands for business purposes, encouraging employment opportunities and catering for a range of low intensity businesses in locations where existing infrastructure is provided.
HAZARD and RISK		
4.1 Acid Sulphate Soils	To avoid significant adverse environmental impacts from the use	Current ASS risk maps and ASS mapping under the Draft Maitland LEP 2011 indicate the

Ministerial Direction	Aim of the Direction	Consistency and Implications
	of land that has a probability of containing ASS	potential of ASS on the subject lands and identify the site as affected by Class 5 and a small portion of Class 2 ASS. This low class of ASS should not preclude the rezoning process continuing but should be considered further prior to any future development of lands. Therefore the planning proposal is consistent with the objectives of this direction.
4.2 Mine Subsidence and Unstable Land	NA	
4.3 Flood Prone Land	The direction aims to reduce the risk of flood and to ensure that the development of flood prone land is consistent with the NSW Flood Prone Land policy.	The portion of land identified for rezoning is partially affected by flooding during a 1 in 100 year flood event. A flooding and drainage assessment needs to be completed for the site post the receipt of a gateway determination. Council is satisfied that development for business purposes will sit above the area affected by 1 in 100 year flood event and therefore flooding is considered of minor significance and therefore the planning proposal is consistent with the aims of this direction.
4.4 Planning for Bushfire Protection	To protect life, property and the environment from bush fire hazards by discouraging the establishment of incompatible land uses in bush fire prone areas, and to encourage sound management of bush fire prone areas.	This direction applies as part of the subject site is identified as bushfire prone. A bushfire risk assessment, outlining the environmental hazards from bushfire threat on any future development needs to be completed. It is considered this is necessary post a gateway determination. Therefore at this point the planning proposal is consistent with the objectives of this direction.
REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	This direction requires a draft amendment to be consistent with relevant state strategies that apply to the LGA.	The planning proposal is consistent with the aims and objectives of the LHRS 2006 as it complies with the principles of the strategy and will provide valuable economic, social and potentially environmental benefits to the region. The site was formally identified within the endorsed MUSS 2008 and is identified within the adopted MUSS 2010 as a site for urban extension development. Therefore it is considered that the planning proposal is consistent with the aims of this direction.
LOCAL PLAN MAKING		

Ministerial Direction	Aim of the Direction	Consistency and Implications
6.1 Approval and Referral	The 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	NA	
6.3 Site Specific Provisions	NA	
METROPOLITAN PLANNING		
7.1 Implementation of the Metropolitan Strategy	NA	

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?

No ecological assessment has been provided to inform the rezoning proposal.

The site is predominantly open grasslands and generally devoid of vegetation. The site directly adjoins the SEPP 14 Wetlands with no vegetated buffer between potential development areas and the environmentally sensitive parts of the site.

Due to the sites proximity to the SEP 14 Wetland it is considered necessary that an ecological assessment of the site be completed post receipt of a gateway determination so that Council can be satisfied there will be no significant environmental impact of the development on the environmentally sensitive parts of the site.

Council is satisfied that any potential impacts to the environmentally sensitive parts of the subject lands can be ameliorated through detailed consideration of the zoning boundaries to manage the interface of the different land uses.

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

Access and Traffic

The site is located adjacent to the New England Highway. The existing road network provides opportunities for site access. Access can be provided from Thornton Drive to the west, Anderson Drive to the east and Glenwood Drive to the north. Recent upgrades to the road network have been provided to cater for an increased capacity to the existing needs.

Due to the sites proximity to the existing intersection of the New England Highway and Pacific Highway, two major intrastate transport nodes, there are significant issues in terms of increased traffic and access points to and from the subject lands. It is acknowledged that the site benefits from its strategic location between the New England Highway and railway line, however it is for this reason that traffic issues need to be considered appropriately throughout the rezoning and development assessment process.

Council is satisfied that adequate access can be provided to the subject lands to accommodate the proposal. The strategic level of detail provided by the application does not preclude the progression of the rezoning. However, Council considers it necessary that an Access and Traffic Assessment be prepared post Council receiving a gateway determination, so as to manage the potential constraints to providing access to the business development.

Noise and Vibration

There is potential for noise and vibration generated from the Great Northern Railway and the existing road network to impact on the users of and the buildings within the existing industrial estate and the proposed business park. No acoustic assessment has been provided as part of the rezoning proposal.

Council will require a detailed noise and vibration assessment post receipt of a gateway determination, in order to consider the potential acoustic impacts of this proposal prior to the development assessment stage of the process.

Loss of Rural Lands

The site is zoned RU2 Rural Landscape under the provisions of the Draft Maitland LEP 2011. At present the site does not support any agricultural use and is not utilized.

The site's proximity to the existing industrial of Thornton and the New England Highway deems it not suitable to support sustainable agricultural practices and therefore is proposed to be rezoning for a higher order land use being for business purposes.

Council is satisfied that there is no loss of viable agricultural lands through the progression of this planning proposal.

Contamination

In accordance with State Environmental Planning Policy (SEPP) No. 55- Remediation of Land, a contamination assessment of the subject lands needs to be completed and submitted to Council prior to the completion of the rezoning process.

Part of the site has been filled in accordance with approved works associated with the Weakley's Drive overpass and the Thornton to Beresfield Link Road Project. Subsurface condition testing of part of the site has also been investigated as part of the above mentioned works.

Council is satisfied that any contamination on site can be managed appropriately through the remainder of the rezoning process and the development assessment of the proposal and will hence not preclude the rezoning of the lands for business purposes subject to Council receiving a detailed contamination assessment of the subject lands prior to the development assessment stage of the process.

Acid Sulfate Soils (ASS)

A preliminary geotechnical study has been prepared for Lot 2 DP 833057. No geotechnical assessment has been prepared for the remainder of the subject lands.

Acid Sulfate Soil risk maps indicate the potential for Acid Sulfate Soils across the majority of the site. The risk of ASS does not prevent the progression of the rezoning process.

However any development proposed in those areas identified as potential for Acid Sulfate Soils would require a detailed Acid Sulfate Soil Assessment to be undertaken to detail potential risk and appropriate management.

Bushfire Hazard

Council's bushfire prone maps identify the site as partly affected by bushfire prone vegetation and bushfire prone lands. A Bushfire Threat Assessment will be required as part of the rezoning process post Council receiving a gateway determination.

Flooding and Drainage

The site is predominantly located within two drainage catchments flowing from the south west and west of the site, flowing east towards the SEPP 14 Wetlands. A large portion of the site is liable to a 1 in 100 year flood event.

No drainage or hydrology assessment has been submitted as part of the rezoning application. Due to the sites proximity to the SEPP 14 Wetlands and the flood liable nature of a significant portion of the site it is considered necessary that a drainage and hydrology study be prepared and submitted to Council post a gateway determination.

Council is satisfied that the flooding constraints on the site do not preclude the rezoning of the site for business purposes. However, management of the drainage constraints on site needs to be considered prior to development assessment of the subject lands.

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

The planning proposal will deliver significant social and economic benefits. The strong growth experienced in the Maitland LGA and particularly the eastern sector over the past ten years is well documented. The provision of additional employment land within the eastern sector of the LGA will provide business growth and employment opportunities in close proximity to existing utilities and existing and future residential developments.

Visual Assessment

No visual assessment of the site has been provided to Council from the proponent. The subject lands adjoin the existing business development to the west of the site with the SEPP 14 wetlands to the east of the subject proposal. It is envisaged that the built environment will be in keeping with existing development in the locality in terms of lot size and dimensions, site coverage, building height and landscaping.

In addition it is considered that flexibility in building design will be the focus of any development, ensuring development gives consideration to the amenity of surrounding properties and ensuring the provision of high quality on site landscaping.

Council is satisfied that visual amenity issues can be further considered post a gateway determination being received. Council is also satisfied that further controls considered through the development assessment stage will ensure management of visual amenity.

Heritage and Archaeological Significance

No extensive heritage or archaeological assessment has been completed for the subject lands. The planning proposal considers that the site has a low potential for archaeological items.

Archaeological heritage has been investigated in the vicinity of the proposal by *Umwelt* in 2000 and 2011. These investigations were associated with the Thornton to Beresfield Link Road Project and as a result the chosen alignment for road connection was amended to avoid areas of significance.

The proponent has completed previous archaeological studies which indicate a site of archaeological significance outside a part of the Business Park that has access from Woodford Close. This site has not been included within the proposed rezoning.

As no recent heritage and archaeological study has been completed on the subject lands it is considered necessary that a Heritage and Archaeological Assessment of the site be completed post Council receiving a gateway determination for the subject site.

Council is satisfied that any issues of heritage and archaeological significance would be managed through the remainder of the rezoning process and development assessment of the subject lands.

Section D – STATE and COMMONWEALTH INTERESTS

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

The planning proposal will generate demand for public infrastructure associated with business type development. Reticulated sewer and water, electricity and telecommunications infrastructure are available to the subject site and hence it is considered that there is adequate capacity available within existing infrastructure, or reasonable increases in capacity can be provided when new development occurs.

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

No advice has formally been sought from government agencies or public authorities in relation to the rezoning of the subject site. However, it is anticipated that post a gateway determination, Council will consult with public authorities on the proposed rezoning.

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. The planning proposal is considered a low impact proposal as it is consistent with the MUSS 2010 and therefore it is intended for this proposal to be exhibited for a fourteen (14) day period.

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 Thornton and Central Maitland branch libraries 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 proceed to finalisation of the amendment.

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

Appendix ONE

Location Map



Scale 1 : 600
Printing Date: January 2012

NORTH

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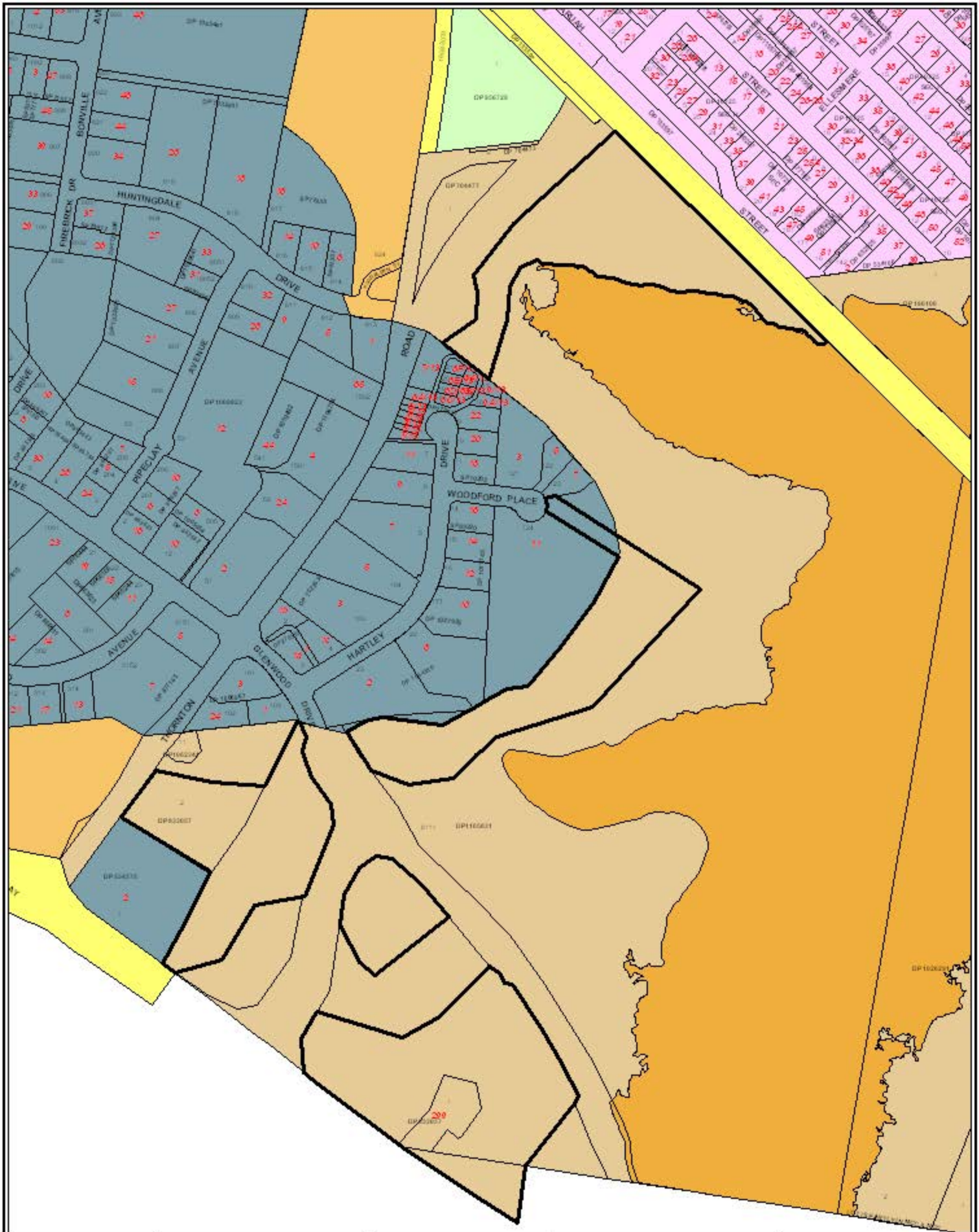


Land to be
zoned for
business purposes

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 TWO

Proposed Zoning Map



Scale 1 : 600
Printing Date: January 2012

NORTH

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Land to be
zoned for
business purposes

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
Council Report and Resolution
[To be included post Council Report]

Appendix FOUR

Applicable SEPPS

State Environmental Planning Policy (SEPP) Applicable to the Maitland LGA
State Environmental Planning Policy No 1—Development Standards
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development
State Environmental Planning Policy No 6—Number of Storeys in a Building
State Environmental Planning Policy No 14—Coastal Wetlands
State Environmental Planning Policy No 15—Rural Landsharing Communities
State Environmental Planning Policy No 19—Bushland in Urban Areas
State Environmental Planning Policy No 21—Caravan Parks
State Environmental Planning Policy No 22—Shops and Commercial Premises
State Environmental Planning Policy No 30—Intensive Agriculture
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)
State Environmental Planning Policy No 33—Hazardous and Offensive Development
State Environmental Planning Policy No 36—Manufactured Home Estates
State Environmental Planning Policy No 44—Koala Habitat Protection
State Environmental Planning Policy No 50—Canal Estate Development
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas
State Environmental Planning Policy No 55—Remediation of Land
State Environmental Planning Policy No 60—Exempt and Complying Development
State Environmental Planning Policy No 62—Sustainable Aquaculture
State Environmental Planning Policy No 64—Advertising and Signage
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)
State Environmental Planning Policy (Affordable Rental Housing) 2009
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
State Environmental Planning Policy (Infrastructure) 2007
State Environmental Planning Policy (Major Development) 2005
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007
State Environmental Planning Policy (Rural Lands) 2008
State Environmental Planning Policy (Temporary Structures) 2007