

Glenwood Business Park Extension

Proposal Title : **Glenwood Business Park Extension**

Proposal Summary : **To rezone 18.7 ha of land from RU2 Rural Landscape to B5 Business Development and B6 Enterprise Corridor, and remove minimum lot size requirements.**

PP Number : **PP_2011_MAITL_004_00** Dop File No : **11/21023**

Proposal Details

Date Planning Proposal Received : **11-Jan-2012** LGA covered : **Maitland**

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

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

LEP Type : **Spot Rezoning**

Location Details

Street : **Glenwood Drive**

Suburb : **Thornton** City : Postcode : **2322**

Land Parcel : **Part Lot 811 DP 1152320, Lot 37 DP 755205, Lots 1 and 2 DP 833057**

DoP Planning Officer Contact Details

Contact Name : **Dylan Meade**

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RPA Contact Details

Contact Name : **Claire Tew**

Contact Number : **0249349784**

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : Release Area Name :

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

Glenwood Business Park Extension

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg
Residential /
Employment land) :

Employment Land

No. of Lots : **5**

No. of Dwellings
(where relevant) : **0**

Gross Floor Area : **45,000.00**

No of Jobs Created : **50**

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting Notes : **The existing Thornton bulky goods retail cluster adjoins the subject site to the east. The employment cluster is identified as containing a number Bulky Goods Retailing premises in the Maitland Activity Centres and Employment Cluster Strategy. The proposal to extend this cluster along Glenwood Drive is considered a logical extension of these employment lands.**

Adequacy Assessment

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

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

Comment : **The statement of objectives explains that the intent of the planning proposal is to:**

- **Enable 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 the 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 statement of objectives is considered adequate.

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

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

Comment : **The explanation of provisions indicates that the planning proposal will be implemented through an amendment to the (draft) Maitland LEP 2011. This will include amendments to the land zoning and minimum lot size maps.**

The explanation of provisions is considered adequate.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

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

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

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP (Infrastructure) 2007

SEPP (Rural Lands) 2008

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

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The following maps are provided as part of the planning proposal and clearly identify the outcomes proposed to be achieved:

•Location map

•Proposed zoning map

It is recommended that Council also exhibit the planning proposal with:

•Flood prone land map

•Aerial Photo overlaid with proposed zone boundary

•SEPP 14 Coastal Wetlands Map

•Acid Sulfate Soils Planning Map from Maitland LEP 2011

•Proposed Minimum Lot Size Map from Maitland LEP 2011

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has identified the planning proposal as low impact as it is consistent with the Maitland Urban Settlement Strategy. Council has proposed a consultation period of 14 days.

The 14 day period of community consultation is supported.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria?

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2011**

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

Assessment Criteria

Need for planning proposal :

The proposed extension to the Glenwood Business Park is consistent with the Lower Hunter Regional Strategy (LHRS) and the Maitland Urban Settlement Strategy (MUSS).

The MUSS monitors zoned residential land in the Maitland LGA and ensures a supply of zoned land is maintained consistent with the LHRS. The Maitland LGA is projected to cater for an additional 26,500 dwelling by 2031. This residential growth is creating demand for additional employment land in accessible areas close to existing employment clusters and public transport.

An LEP amendment is considered the most effective and timely method available to achieve the objectives and intended outcomes of the proposal.

Although no formal net community benefit test has been undertaken, Council's assessment has indicated that there is likely to be a net community benefit.

Consistency with strategic planning framework :

REGIONAL AND LOCAL STRATEGIES

Glenwood Business Park is consistent with the Lower Hunter Regional Strategy. The proposal is considered to be in accordance with the objective and aims of the Strategy, particularly in regard to ensuring sufficient supply of employment land in suitable locations. The Strategy's outcomes in relation to employment land are also met, including having a greater proportion of employment in centres close to higher population densities and accessible through a variety of transport options.

The site is identified in the Maitland Urban Settlement Strategy (MUSS) as an 'Urban Infill and Urban Extension Proposals'. The MUSS - 2008 Edition was endorsed by the Department, with conditions, on 1 September 2009. The Department supported the concept of identifying areas suitable for urban infill development and urban renewal, however as the Department had not considered in detail those areas identified, and therefore did not endorse the specific boundaries of the urban infill and extension areas mapped in the 2008 Edition. The Department considered that specific boundaries of infill sites could be defined through the plan making process.

The MUSS - 2010 Edition, which has not been submitted yet to the Department for endorsement by the Director-General, also identifies the site as a 'Urban Infill and Urban Extension Proposals'. The concept of identifying areas for urban infill and renewal are supported and the plan making process will enable specific boundaries to be identified.

It is considered that the Council has provided sufficient justification consistency with the strategic planning framework.

SECTION 117 LOCAL PLANNING DIRECTIONS

The planning proposal is considered inconsistent with the following s.117 Directions and SEPPs:

1.2 Rural Zones

The planning proposal is inconsistent with this direction as it rezones land from a rural zone to a business zone. The inconsistency is justified as the planning proposal is in accordance with the Lower Hunter Regional Strategy (LHRS) which identifies the land as a 'proposed urban area'. The LHRS gives consideration to the objective of this direction.

1.5 Rural Lands

The planning proposal is inconsistent with the Rural Planning Principles listed in State Environmental Planning Policy with regard to providing opportunities for rural lifestyle, and therefore inconsistent with this direction. The inconsistency is justified as the planning proposal is in accordance with the LHRS. The LHRS gives consideration to the objective of this direction.

4.1 Acid Sulfate Soils

The planning proposal is inconsistent with this direction as the planning proposal proposes intensification of land uses on land identified as containing Class 5 and Class 2 acid sulfate soils on draft Maitland LEP 2011 Acid Sulfate Soils Planning Maps. Council has not considered an acid sulfate soils study in assessing the appropriateness of the change of land use given the possible presence of acid sulfate soils. It is recommended that Council considers an acid sulfate soils study before proceeding to exhibition.

4.3 Flood Prone Land

The planning proposal is inconsistent with this direction as a portion of the site is identified as being flood prone, is mapped within the 1:100 year flood level, and is included in the Flood Planning Area Map of the Maitland LEP 2011. Council advises that it is satisfied that development will sit above the 1:100 year flood level. It is recommended that Council exhibit flood maps identifying the affected land in relation to proposed zone boundaries.

4.4 Planning for Bushfire Protection

The planning proposal is inconsistent with this direction as the land within the subject site is mapped as bushfire prone land, and the Rural Fire Service are yet to be consulted. It is recommended that Council consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination, and prior to undertaking community consultation take into account any comments made by the Commissioner.

The planning proposal is considered consistent with all other Section 117 Directions, including those identified by Council:

1.1 Business and Industrial Zones

The planning proposal is considered consistent with this direction. Although the proposed new employment areas are not in accordance with a local strategy that is approved by the Director-General of the Department of Planning, the proposed extension to existing employment areas is identified in the latest update of the MUSS (2010 Edition). The endorsed MUSS (2008 Edition) was conditioned and did not specifically endorse this site. Maitland City Council are yet to request the Director-General to endorse the latest version of the MUSS. However, the proposal is consistent with the Lower Hunter Regional Strategy as it facilitates the outcome to increase the 'supply of sufficient appropriately located and supported employment land'. The proposal is an extension to an existing employment area, located within 800m of a railway station and serviced by appropriate infrastructure.

3.4 Integrating Land Use and Transport

The planning proposal is consistent with this direction as it locates employment generating uses within 800m of a railway station and adjoining existing zoned employment land. The proposal is considered consistent with the supporting policy, The Right Place for Businesses and Services, as rezones the subject site to zones permitting bulky goods retail in an existing regional cluster. This will help moderate travel demand and allow for public transport accessibility. The existing bulky goods cluster is being reinforced in accordance with the policy.

5.1 Implementation of Regional Strategies

The planning proposal is consistent with the Lower Hunter Regional Strategy and therefore consistent with this Direction.

6.1 Approval and Referral

The planning proposal is consistent with this Direction as it does not contain provisions requiring concurrence, consultation or referral of a Minister or public authority.

STATE ENVIRONMENTAL PLANNING POLICIES

SEPP 14 - Coastal Wetlands

The site adjoins SEPP 14 wetlands. It is uncertain if the planning proposal meets the aims and objectives of the policy to ensure that the coastal wetlands are preserved and protected in the environmental and economic interests of the State as no assessment has been undertaken by Council. It is recommended that Council undertakes an ecological assessment of the site post gateway determination, and undertakes consultation with the Office of the Environmental and Heritage to ensure that proposed boundaries of the business zones will not negatively impact upon the coastal wetlands.

SEPP 55 - Remediation of Land

Council advises that a more detailed contamination assessment will be completed prior to the finalisation of the rezoning process if the Gateway determines the planning proposal should proceed. Council is satisfied that any contamination found can be managed appropriately through the rezoning and development assessment process.

It is recommended that Council completes a contamination assessment following receipt of a gateway determination, and prior to undertaking community consultation.

Glenwood Business Park Extension

Environmental social
economic impacts :

Council advises that the site contains no Endangered Ecological Communities (EEC).

SEPP 14 Coastal Wetlands adjoins the site. It is recommended that Council undertakes an ecological assessment of the site to ensure the SEPP 14 Wetlands are not negatively affected. It is recommended that consultation with the Office of the Environment and Heritage occur to confirm.

Issues of bushfire risk, contamination, acid sulfate soils and flooding have been considered strategically by Council, and will be considered in further detail through the progression of the planning proposal.

The potential social and economic benefits of the proposal relate to the benefits of providing additional employment opportunities in proximity to existing areas and close to public transport.

Assessment Process

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

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

Public Authority Consultation - 56(2)(d) : **NSW Aboriginal Land Council
Hunter - Central Rivers Catchment Management Authority
Office of Environment and Heritage
NSW Department of Primary Industries - Agriculture
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Authority**

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

Flooding

Other - provide details below

If Other, provide reasons :

Acid Sulfate Soils

Contamination

Ecological Assessment of impact on SEPP 14 Wetlands

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Locality_Plan_SEPP_14.bmp	Map	Yes

Glenwood Business Park Extension

Locality_Plan_Flood_LEP_2011.bmp	Map	Yes
Covering_letter.pdf	Proposal Covering Letter	Yes
PLANNING_PROPOSAL_Glenwood_Business_Park_Thornton_V3.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.5 Rural Lands
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements

Additional Information :

1. Council is to prepare an acid sulphate soils study in accordance with the requirements of S117 Direction 4.1 Acid Sulfate Soils to assess the appropriateness of the changes in land use given the possible presence of acid sulphate soils within the site. This study is to be placed on public exhibition with the planning proposal.
2. Council is to prepare a preliminary site investigation contamination study in accordance with clause 6(1) of State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land. This study is to be placed on public exhibition with the planning proposal.
3. Council is to undertake an ecological assessment of the subject site including consideration of the adjoining SEPP 14 Coastal Wetlands, and consult the Office of Environment and Heritage in regards to minimising the impact of urban development on land within the adjoining SEPP 14 - Coastal Wetlands.
4. Council is to prepare a flood and drainage study of the subject site, and undertake consultation with the Office of Environment and Heritage as per the requirements of S117 Direction 4.3 Flood Prone Land.
5. Council is to ensure that appropriate mapping is provided for public exhibition purposes and in particular, the subject site is to be clearly identified in all supporting mapping placed on public exhibition. In addition, Council is to prepare and exhibit the following additional maps to support the planning proposal:
 - a. Flood prone land map;
 - b. Acid Sulfate Soils Map identifying categories of acid sulfate soils present on the site;
 - c. SEPP 14 Coastal Wetlands map;
 - d. Aerial Photo overlaid with proposed zone boundary
 - e. Proposed Maitland LEP 2011 Minimum Lot Size Map
6. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
7. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 14 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

Glenwood Business Park Extension

8. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Mindaribba Aboriginal Land Council
- Catchment Management Authority – Hunter/Central Rivers
- Office of Environment and Heritage
- Department of Primary Industries (Agriculture)
- NSW Rural Fire Service
- Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

9. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

10. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

11. Agree to inconsistencies with Directions 1.2 Rural Zones and 1.5 Rural Lands.

Supporting Reasons :

The proposal is consistent with the actions and outcomes of the Lower Hunter Regional Strategy. The proposal is also consistent with the endorsed Maitland Urban Settlement Strategy 2008.

Further information is required for the Department to establish a more informed view on the details of the proposal generally and to assess consistency with s117 directions 4.1, 4.3 and 4.4, and SEPP 14 in particular. This information will be obtained from required studies, and through consultation with relevant agencies and the community during exhibition.

Signature:



Printed Name:

Monica Gibson

Date:

13.1.2012