

PLANNING PROPOSAL

Amendment to Maitland LEP 2011

Rezoning of Glenwood Business Park Extension, Thornton

RZ10004 & RZ10017

*(Part Lot 8111 DP 1165631 Thornton Road, Glenwood Drive and New
England Highway; Lot 1 DP833057 New England Highway & Lot 2 DP
833057 Thornton Road)*



**Version 3.0
30.10.2012**

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Version

Version 1.0 – 29/9/2011 (Report to Council – Initiate Gateway Process)
Version 2.0 – 27/8/2012 (Post-Gateway, for Exhibition)
Version 3.0 – 30/10/2012 (Post-exhibition, for finalisation)

INTRODUCTION

The planning proposal explains the intended effect of, and justification for the proposed amendment to *Maitland Local Environmental Plan 2011* with regard to land at Glenwood Business Park, known as part Lot 8111 DP 1165631, Lots 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 was to rezone land referred to as Part Lot 8111 DP 1165631, 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. It should be noted that following exhibition, variations were made to the planning proposal, which include:

- Removing Precinct 4 from the proposal, given that discussions are currently taking place about a potential road link to the north of the subject land;
- Removing Lot 2 DP833057 from the proposal, given the significant vegetation removal that would be required in association with rezoning this land;
- Minor alteration to the proposed zoning boundary for proposed Precinct 2 to reflect the alignment and nature of the existing watercourse (Scotch Dairy Creek);
- Minor alteration to the proposed zoning boundary for proposed Precinct 1 given the level of fill and potential impact on the watercourse in this area of the site.

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 land known as Part Lot 8111 DP 1165631, Lot 37 DP 755205 and Lot 1 DP 833057 on the 27 January 2010, and for land known as Lots 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 finalisation of the Maitland LEP 2011 to determine the defined zoning outcomes for the lands. The Maitland LEP 2011 was gazetted on 16th December 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.

A gateway determination was issued by the Department on 25 January 2012 for the subject planning proposal.

The lands are identified as the Glenwood Business Park Extension and refer to Part Lot 8111 DP 1165631, Lots 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 LEP Amendment Maps**.

Land Description	Current Zoning	Proposed Zoning
Part Lot 8111 DP 1165631	RU2 Rural Landscape	B6 Enterprise Corridor zone
Lots 1 & 2 DP 833057**	RU2 Rural Landscape	B6 Enterprise Corridor zone

Note: ** Lot 2 DP833057 has been excluded from the proposal following exhibition and further detailed assessment

Under the provisions of the 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 amendment to the Maitland LEP 2011 would involve a change to the Land Zoning Map 007 to reflect the zoning change within the subject site, and a change to the Minimum Lot Size Map 007 to reflect that no minimum lot size would apply across the relevant portion of the subject land to be rezoned.

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 8111 DP 1165631, Lot 37 DP 755205 and Lot 1 DP 833057 on the 27 January 2010 and for lands known as Lots 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 land, known as the Glenwood Business Park Extension.

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 2010 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;
- The land is located in a strategic position adjoining the New England Highway and in close proximity to the F3 Freeway; and
- 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 event that the proposal is not supported;
- 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 and enterprise corridor uses 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 subject urban extension site identified as Part Lot 8111 DP 1165631 and Lot 1 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 finalisation 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 utilise 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 3: Applicable State**

Environmental Planning Policies.

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 conflicts 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. The NSW Department of Primary Industries agreed with this position in their submission.
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 preliminary contamination assessment of the subject lands was submitted to Council. Given the unknown future uses of the land at this point in time, a detailed contamination/geotechnical report will need to be submitted with any future DA for the site. 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. The site is appropriate for the intended rezoning to commercial land.

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, and the site is nominated as an extension site. 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	N/A	
1.5 Rural Lands	To protect the agricultural production value of rural land, and facilitate the orderly and economic	The subject land comprises rural land that is not viable to support prime agricultural uses due to

Ministerial Direction	Aim of the Direction	Consistency and Implications
	development of rural lands for rural related purposes.	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	N/A – the proposed rezoning does not involve rezoning any of the land that is currently zoned E2 Environmental Conservation within the site.	
2.2 Coastal Protection	N/A	
2.3 Heritage Protection	N/A	
2.4 Recreation Vehicle Areas	N/A	
HOUSING, INFRASTRUCTURE and URBAN DEVELOPMENT		
3.1 Residential Zones	N/A	
3.2 Caravan Parks and Manufactured Home Estates	N/A	
3.3 Home Occupations	N/A	
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 of land that has a probability of containing ASS	Current ASS risk maps and ASS mapping under the Maitland LEP 2011 indicate the 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

Ministerial Direction	Aim of the Direction	Consistency and Implications
		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	N/A	
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 preliminary flooding and drainage assessment was submitted following the Gateway determination, and was exhibited with the planning proposal. Council is satisfied that development, which is for commercial 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. A plan of filling has been submitted following the exhibition period, which illustrates that filling is proposed to RL4.4m AHD, being the 1% AEP flood level at the site. Detailed flooding and hydrology information will need to be submitted in association with any future DA(s) for the site.
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 threat assessment has been submitted and reviewed by the NSW Rural Fire Service. The bushfire threat assessment was placed on exhibition with the planning proposal. The RFS did not object to the proposal, and as such, the planning proposal is consistent with the objectives of this direction. Further consideration of bushfire risk will be required at the DA stage.
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

Ministerial Direction	Aim of the Direction	Consistency and Implications
		extension development. Therefore it is considered that the planning proposal is consistent with the aims of this direction.
LOCAL PLAN MAKING		
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	N/A	
6.3 Site Specific Provisions	N/A	
METROPOLITAN PLANNING		
7.1 Implementation of the Metropolitan Strategy	N/A	

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 site is predominantly open grasslands and generally devoid of vegetation, apart from Lot 2 DP833057, which was initially included in the proposal. 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 and the presence of stands of vegetation on Lot 2 DP833057, it was considered necessary that an ecological assessment of the site be completed post-receipt of a Gateway determination so that Council could be satisfied there will be no significant environmental impact of the development on the environmentally sensitive parts of the site. Council assessed a preliminary ecological assessment for the proposal. Following this assessment, and upon receipt of comments from NSW Office of Environment and Heritage (OEH), it was decided to exclude Lot 2 DP833057 from the planning proposal.

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

It should be noted that further detailed Flora and Fauna assessment will be required at the DA stage, particularly given the proximity of the site to the SEPP 14 Wetlands within the site, beyond Glenwood Drive. The potential for impacts on vegetation within the site, the SEPP 14 Wetlands itself and water quality, means that consideration of Flora and Fauna is important in this case.

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.

Due to the site's 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 Main Northern Rail Line, however it is for this reason that traffic issues need to be further considered as part of the 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. A preliminary traffic impact assessment was provided to Council for the rezoning and was placed on exhibition with the planning proposal.

It should be noted that proposed Precinct 4 has been excluded from the planning proposal, largely because of investigations that are occurring into a potential road link to the north of the site. It was considered the best approach to exclude this land from the rezoning proposal until a more strategic review of road linkages has been undertaken in the locality.

Noise and Vibration

There is potential for noise and vibration generated from the Main 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.

Council required a 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. A preliminary noise and vibration assessment was provided to Council and was placed on exhibition with the planning proposal. This assessment was deemed to be adequate to support the rezoning proposal. The assessment recommended that a detailed noise and vibration assessment be prepared to support any future DA(s) for development at the site, as the future uses are unknown at this point in time.

Loss of Rural Lands

The site includes a significant area of land zoned RU2 Rural Landscape under the provisions of the Maitland LEP 2011. At present the site does not support any agricultural use and has not been utilised for agricultural activities for some time.

The sites' proximity to the existing industrial estate 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. Comments provided in the submission made by the Department of Primary Industries support Council's position on this matter.

Contamination

In accordance with State Environmental Planning Policy (SEPP) No. 55 - Remediation of Land, a contamination assessment of the subject lands had to be 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.

A plan of proposed filling was submitted following the exhibition period and Council's engineers provided comments about potential filling at the site, which will be considered as part of any future DA(s) for the land.

A preliminary contamination assessment was provided to Council and was exhibited with the planning proposal. The assessment concluded that contamination does not pose a constraint to the proposed rezoning. Given the unknown future uses of the land at this point in time, a detailed contamination/geotechnical report will need to be submitted with any future DA(s) for the site.

Acid Sulphate Soils (ASS)

ASS risk maps indicate the potential for ASS across the majority of the site. The risk of ASS in this instance does not prevent the progression of the rezoning process.

A preliminary ASS study was submitted to Council for the proposal and was exhibited with the planning proposal. The preliminary ASS study stated that future DA(s) for development at the site will need to consider the actual ASS that exist within the site. Therefore, a detailed ASS Assessment will need to be undertaken in association with any future DA(s) to detail potential/actual risks 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 was completed for the rezoning proposal, and comments

received from the NSW Rural Fire Service (RFS) indicated that the recommendations provided in the submitted bushfire threat assessment are appropriate for the proposal.

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 the 1 in 100 year flood event.

Due to the sites proximity to the SEPP 14 Wetlands and the flood liable nature of a significant portion of the site it was considered necessary that a drainage and hydrology study be prepared and submitted to Council following the Gateway determination. A preliminary flood and hydrology study was submitted to Council which was exhibited with the planning proposal. The study highlighted that fill can be placed within the site to meet the 1% AEP flood level of RL4.4m AHD.

A further detailed stormwater and hydrology study will need to support any future DA(s) for development at the site.

Odour & Biosecurity Risks

Council liaised with a technical poultry specialist from the NSW Department of Primary Industries (Agriculture) following the exhibition period. Comments provided by that technical specialist confirm that it is difficult to determine appropriate buffers between the existing poultry processing plant (to the east of the site) and the subject land included in the rezoning proposal, given that the future uses are unknown at this point in time. It is considered that the most appropriate course of action would be to consider the uses that are proposed as part of any future DA(s), and determine whether they are sensitive receivers. If deemed relevant, an odour and pollutants study could be completed at that point in time to support any DA(s).

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, transport routes, 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 landscaping within the site.

Council is satisfied that potential controls considered through the development assessment stage will ensure management of visual amenity.

Heritage and Archaeological Significance

A preliminary heritage and archaeological assessment was completed for the subject land and was exhibited with the planning proposal. The study concluded that the registered AHIMS site could not physically be located, however recommended a buffer of 30m be placed around the relevant area (as registered in the AHIMS database) within the site. In any case, this site has not been included in the area subject to the proposed rezoning. No Aboriginal archaeological sites were present on the ground surfaces within the project area.

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.

Council is satisfied that any issues of heritage and archaeological significance would be managed through the development assessment of any future proposed DA(s) for the subject land.

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.

Hunter Water Corporation and NSW Roads and Maritime Services were consulted during the exhibition period, neither agency objected to the proposal.

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

Following the gateway determination being issued by the Department, Council consulted all public authorities identified in the Gateway determination. Responses were received by a number of agencies, however, some did not respond. Council consulted some additional government agencies that it deemed key to providing information regarding the proposal. These agencies included:

- NSW Environment Protection Authority;
- NSW Department of Primary Industries (Office of Water);
- Hunter Water Corporation; and
- Newcastle City Council

The comments received from the agencies that responded to Council's notification letter are listed in the summary of submissions under **Appendix 4**.

PART 4: COMMUNITY CONSULTATION

The Gateway determination stipulated that the planning proposal was to be exhibited for a minimum of 14 days. Public exhibition of the planning proposal occurred between 29th August and 12th September 2012.

In accordance with Council's adopted *Community Engagement Strategy (March 2009)*, consultation on the proposed rezoning had the aim of informing and receiving feedback from interested stakeholders. To engage the local community the following was undertaken:

- A public notice was published in the local newspaper;
- Exhibition material and relevant consultation documents were made available at the Thornton and East Maitland libraries, and Council's Administration Building;
- Consultation documents were made available on Council's website; and
- Letters, advising of the proposed rezoning and how to submit comments, were sent to adjoining landowners and other stakeholders that Council deemed relevant to this rezoning proposal.

At the close of the consultation process, Council officers considered all submissions received and presented a report to Council for their endorsement of the proposed rezoning before asking the Department to proceed with the finalisation of the amendment.

Public Submissions

The public submissions received during the exhibition period were responded to in the Council report dated 27 November 2012 *[to be inserted post-Council meeting]*. A copy of that report and the minutes are included under **Appendix 5**.

Variations to Planning Proposal

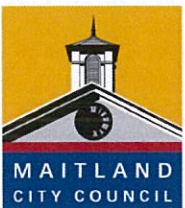
Some variations are proposed to be made to the subject planning proposal as a result of Council's further detailed assessment of the proposal, and as a result of the submissions received. Council has amended the planning proposal by:

- Removing Precinct 4 from the proposal, given that discussions are currently taking place about a potential road link to the north of the subject land;
- Removing Lot 2 DP833057 from the proposal, given the significant vegetation removal that would be required in association with rezoning this land;
- Minor alteration to the proposed zoning boundary for proposed Precinct 2 to reflect the alignment and nature of the existing watercourse (Scotch Dairy Creek);
- Minor alteration to the proposed zoning boundary for proposed Precinct 1 given the level of fill and potential impact on the watercourse in this area of the site.

The Council report and minutes from 27 November 2012 *[insert post-Council meeting]* detailed these changes. Both the Council report and Council minutes are included under **Appendix 5**. A map is included under **Appendix 6** which illustrates the changes between the exhibited zoning map and the post-exhibition zoning map.

Appendix ONE

Location Map



Scale 1 : NTS
Printing Date: November 2012

NORTH

© Maitland City Council 2012
© LPMA of NSW 2012

Locality Plan

**Glenwood Business
Park Extension**

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

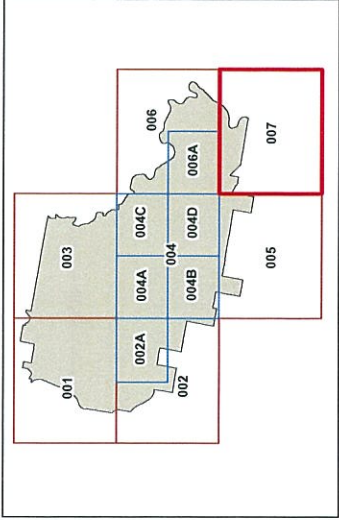
Proposed LEP Amendment Maps



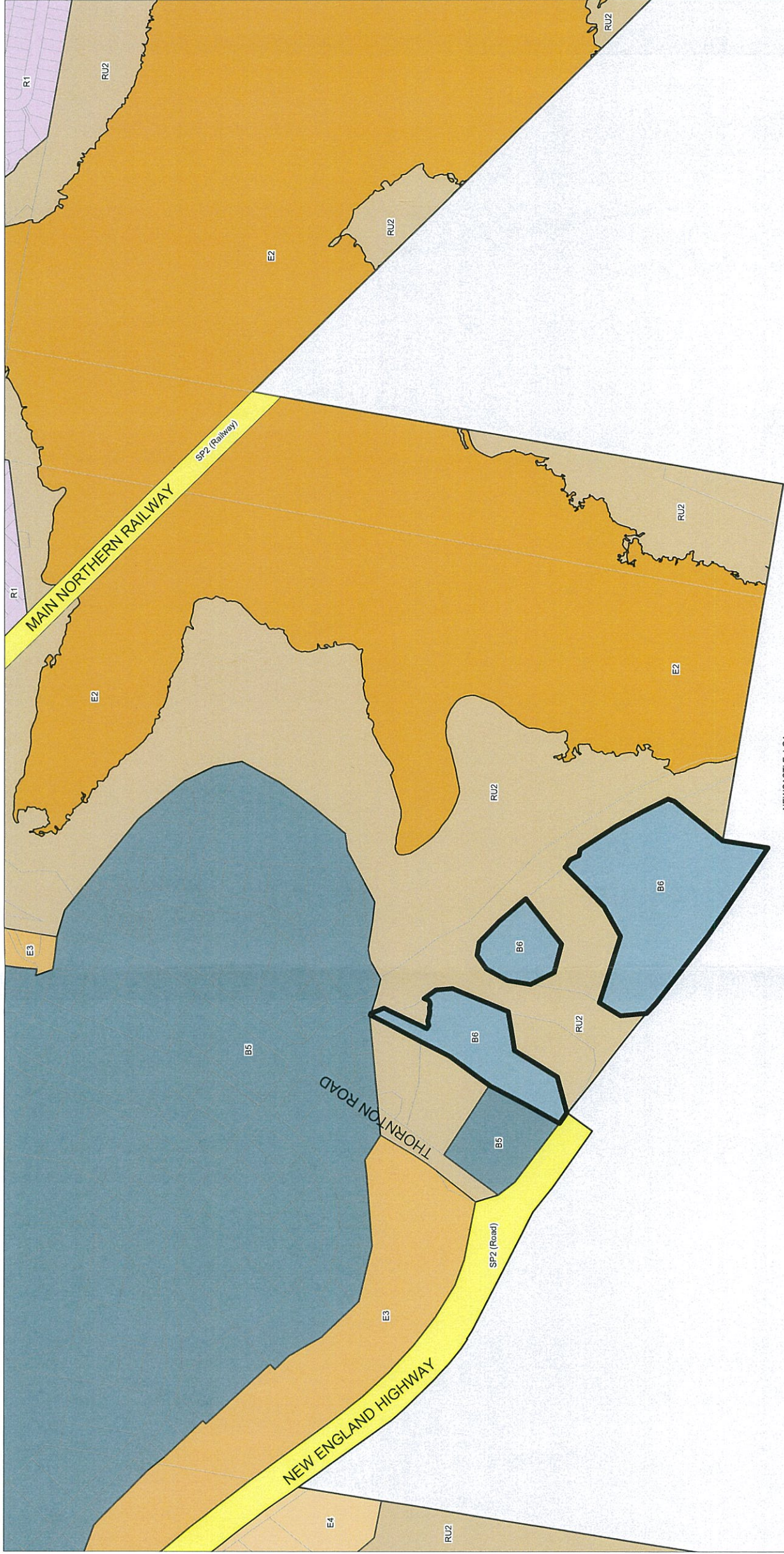
Maitland Local Environmental Plan 2011

DRAFT Land Zoning Map - Sheet LZN_007

- Zone**
- B1 Neighbourhood Centre
 - B2 Local Centre
 - B3 Commercial Core
 - B4 Mixed Use
 - B5 Business Development
 - B6 Enterprise Corridor
 - E2 Environmental Conservation
 - E3 Environmental Management
 - E4 Environmental Living
 - IN1 General Industrial
 - R1 General Residential
 - R5 Large Lot Residential
 - RE1 Public Recreation
 - RE2 Private Recreation
 - RU1 Primary Production
 - RU2 Rural Landscape
 - SP1 Special Activities
 - SP2 Infrastructure
 - SP3 Tourist
- Cadastre**
- Base data 03/03/1997 © NSW LPMA
 - Addendum data 19/07/2011 © Maitland City Council



Projection: GDA 1994
Zone 56
Map identification number:
5050_COM_LZN_007_040_20121030



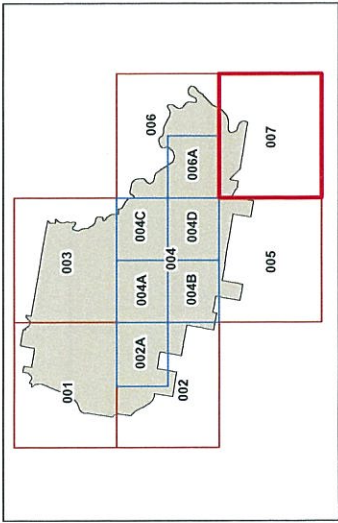
NEWCASTLE LGA

Minimum Lot Size (sq m)

- | | |
|----|--------|
| G | 450 |
| V | 2000 |
| W | 4000 |
| X | 5000 |
| Y | 10000 |
| Z | 20000 |
| AB | 400000 |

Cadastre

Base data 03/03/1997 © Land and Property
Information (LPI)
Addendum data 01/04/2011 © Maitland City Council



Projection: GDA 1984
Zone 56

Map identification number:

5050_COM_LSZ_007_040_20121030

Appendix THREE

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

Appendix FOUR

Summary of Submissions

	Submission Maker	Issues	Response to Submission
1	NSW Department of Primary Industries (Agriculture)	DPI (Agriculture) has non-interest in the planning proposal.	Noted
2	NSW Department of Primary Industries (Office of Water)	DPI (Office of Water) provided numerous guidelines in the form of a standard response. No formal or site specific advice was provided regarding the planning proposal.	Noted. The guidelines that were provided will assist in site specific planning during the future Development Assessment process, should the rezoning proceed.
3	Hunter-Central Rivers Catchment Management Authority	- CMA stated that Lot 2 DP833057 should be excluded from the rezoning, given the obvious extent of native vegetation present within that site. - CMA advised that wetland swales traversing the site should be protected from development. - Any future post-development flows should not exceed current natural pre-development flows, given the	- Lot 2 DP833057 has been excluded from the planning proposal, based on comments from Council's technical staff and comments provided from both the CMA and NSW Office of Environment and Heritage. - Noted. Further consideration will be given to the developable areas of the site as part of any future DA(s) for the land. - Noted. Further consideration will be given to the developable areas of the site, locations for stormwater basins and general stormwater detention areas and stormwater quality control as part of any future DA(s) for the land.

		existing wetland system located downstream of the site.	
4	NSW Office of Environment & Heritage	- Development should be avoided on Lot 2 DP833057, since this is an area of Hunter Lowland Redgum Forest - The site adjoins SEPP 14 wetland, and should therefore be carefully considered as the proposal progresses - Hydrology and flooding impacts need to be considered for the site. - Numerous registered Aboriginal sites exist within the immediate locality	- Lot 2 DP833057 has been excluded from the planning proposal, based on comments from Council's technical staff and comments provided from both the CMA and NSW Office of Environment and Heritage. - Noted. Further consideration will be given to the developable areas of the site, locations for stormwater basins and general stormwater detention areas and stormwater quality control as part of any future DA(s) for the land. Furthermore, provisions contained within the MLEP 2011 relate to development within proximity to watercourses, and these provisions will need to be adhered to along with any relevant state policies and directions. - A preliminary stormwater and hydrology report was submitted as part of the planning proposal. Further detailed consideration will be given to flooding in the context of the developable areas of the site as part of the development assessment process. Appropriate minimum floor heights will be determined at that time. Furthermore, locations for stormwater basins and general stormwater detention areas and stormwater quality control will be necessary in association with any future DA(s) for the land. - OEH agrees with the information in the consultant's report that was submitted with the planning proposal, as it relates to the potential for undetected cultural material that may be present within the subject site. Council agrees with OEH's recommendation that the site be managed in compliance with the requirements of

		• OEH supports the management strategies recommended in Section 5.0 of the report titled 'Aboriginal Archaeological Due Diligence Report – Glenwood Business Park' (dated 13.07.12)	the National Parks & Wildlife Act. • Any future DAs submitted within the subject site will need to adhere to this submitted archaeological report.
5	NSW Rural Fire Service	• No concerns raised, subject to compliance with the recommendations detailed in the submitted 'Bushfire Threat Assessment' prepared by RPS Group (dated June 2012).	• Noted.
6	NSW Roads & Maritime Services	• Direct vehicular access to the New England Highway or Weakleys Drive would not be permitted to / from the land. • RMS supportive of Council investigating options for upgrading existing roads and potential new road corridors within the locality.	• Noted. This is a standard approach by the RMS in regards to regional and State roads. • Noted. Council is currently assessing possible network routes that would assist in traffic flows between the Thornton North URA and the New England Highway. This was a key factor in excluding proposed Precinct 4 from the planning proposal following exhibition of the planning proposal, as that precinct was identified in an area of the site that could be a potential road network link

		• State Road Infrastructure Contributions could be required, which are determined by the Department of Planning & Infrastructure. • Section 117 Ministerial Direction 3.4 – <i>Integrating Land Use Development and Transport</i> should be considered. • No objection to the proposal, subject to the matters raised being addressed prior to any development or subdivision of the subject land.	between Glenwood Drive and Thornton Road. • Noted. The developer is advised to take note of this potential requirement to make State Infrastructure Contributions. • The developer should consult with Transport for NSW regarding the broader public transport issues. • Noted.
7	Hunter Water Corporation	• The subject site was not identified in HWC's water and sewer servicing strategies for the area. • Given the lack of capacity to allow for fire fighting requirements, a local	• Noted. The land identified in the proposal forms an urban/infill extension site that was included in the review of the MUSS 2008 and would have been viewed in the context of that land use strategy when forwarded to HWC for comment at that time. The site is a minor rezoning and was again identified in the MUSS 2010 as an urban extension site. The MUSS 2010 was forwarded to HWC for comment as part of the exhibition process. • This will require the developer to liaise with HWC to confirm what additional infrastructure is required to enable appropriate water supply to the land

		developer funded servicing strategy would be required to investigate the infrastructure required to service the land identified in the proposal and any augmentations to HWC's existing water supply system. - Capacity exists for wastewater servicing, however, currently there is insufficient emergency storage capacity within the Beresfield 16A wastewater pumping station. HWC is preparing an upgrade to infrastructure at Beresfield which would ultimately allow the land identified in the proposal to be appropriately serviced. - HWC does not object to the proposed LEP amendment.	identified in the proposal. - This will require the developer to liaise with HWC to confirm what additional infrastructure is required to enable appropriate wastewater servicing for any future development at the site. It should be noted that currently there is sufficient capacity in the Morpeth Wastewater Treatment Works for the land identified in the proposal to utilise. - Noted. The developer will need to liaise with Hunter Water Corporation to ensure the efficient servicing of the site.
8	NSW Environment Protection Authority	Encroachment of development towards potentially odorous industry increases likelihood of offensive odorous emissions	Council liaised with a technical poultry specialist from the NSW Department of Primary Industries (Agriculture) following the exhibition period. Comments provided by that technical specialist confirm that it is difficult to determine appropriate buffers between the poultry processing plant and the land included in the rezoning proposal, given that the future uses are unknown at this point in time. It is considered that the most appropriate course of action would be to

		• EPA recommends that Council take a precautionary approach when considering to approve potentially sensitive development where conflict with industry may arise	consider the uses that are proposed as part of any future DA(s), and determine whether they are sensitive receivers. If deemed relevant, an odour and pollutants study could be completed at that point in time to support any DA(s). • Council will follow the EPA's advice and take a precautionary approach when determining any future DAs for the subject land, given the potential for land use conflicts. It is considered appropriate that both the EPA and NSW Department of Primary Industries (Agriculture) would be consulted in respect of any future DAs for the subject land.
9	PSA Consulting	• Reverse amenity impacts	• Council notes the concerns regarding potential for complaints arising from what the submission maker identifies as incompatible land use. The subject rezoning proposal refers to commercial land use which generally accommodates far less sensitive receivers than residential dwellings. Given that future uses are unknown at this point in time, it is considered that the most appropriate course of action would be to consider the uses that are proposed as part of any future DA(s), and determine whether they are sensitive receivers. If deemed relevant, an odour and pollutants study and an acoustics study could be completed at that point in time to support any DA(s). Furthermore, separation distance of approximately 335m exists between the closest point of the portion of the subject site to be rezoned and the poultry processing plant. The submission raises issues relating to truck movements, on-site lighting and odour from the existing poultry processing plant and the potential for land use conflicts to arise. These environmental impacts from the existing operational facility would be considered as part of a Section 79(c) assessment in accordance with the Environmental Planning and Assessment Act 1979 when Council assesses any future DA(s) for the land that is the

		subject of the rezoning proposal. As stated previously, Council would assess reverse amenity impacts as part of any future DA assessment for any proposed development within the subject site. There are a number of ways to mitigate against potential land use conflicts, including: (i) the provision of environmental studies to determine relative impacts/potential land use conflicts, and any recommendations that arise from those studies, (ii) DCP controls for the site to manage land use conflicts; and (iii) conditions of consent annexed to any future DA. Reference should be made to the planning proposal and comments in the Council report, which identify the need for future environmental studies to support any future DA(s). Where sensitive receivers are identified in any future DA, there will be a requirements for specific environmental studies (such as odour, noise and vibration) relating to that intended land use, in order to determine likely land use conflicts and impacts on both the poultry processing facility and proposed developments within the subject land. It should be noted that since the existing poultry processing plant is an adjoining landowner to the subject site, Council would notify the landowner of any proposed future DA(s) as part of the exhibition process at that point in time. • Council liaised with a technical poultry specialist from the NSW Department of Primary Industries (Agriculture) following the exhibition period and the receipt of this submission. Comments provided by that technical specialist confirm that it is difficult to determine appropriate buffers between the poultry processing plant and the land included in the rezoning proposal, given that the future uses
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		are unknown at this point in time. It is considered that the most appropriate course of action would be to consider the uses that are proposed as part of any future DA(s), and determine whether they are sensitive receivers. If deemed relevant, an odour and pollutants study could be completed at that point in time to support any DA(s). In regards to disease and infection, Council can request an air quality assessment be submitted with any future DA(s) for the subject site. This would have the intent of identifying the impacts from the proposed uses within the site and determining appropriate setback distances for any sensitive receivers – whether due to impacts from the existing poultry plant on the subject land, or impacts that could be generated from any future proposed uses and be considered to potentially pose detrimental risks to the operations of the poultry processing facility. In this regard, the relevant elements of section 17.15 <i>Biosecurity Steggles Plant</i> of the former (now repealed) <i>DCP Chapter 32 – Thornton Business Park, Thornton East</i> could potentially inform specific wording for any proposed DCP controls or conditions of consent relating to any future DA(s) at the site for sensitive developments.
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Appendix FIVE
Council Report and Resolution, 27th November 2012
[insert post-Council meeting]

Appendix SIX

Variations to Planning Proposal Following Exhibition

Variations to Planning Proposal



Land retained in Planning Proposal following exhibition



Land excluded from Planning Proposal following exhibition