



# city council

## **PLANNING PROPOSAL**

### **AMENDMENT TO THE MAITLAND LEP 2011**

**LOCHINVAR LOCAL CENTRE  
Corner STATION LANE & CHRISTOPHER RD, LOCHINVAR**

**(Lot 310 DP1034974)**

**Version 2.1  
June 2020**



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Version 1.0 – August 2019 (For Section 55 Council Report)

Version 2.0 – May 2020 (Additional Information Request from DPIE – pre-gateway determination)

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## INTRODUCTION

This planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979. It explains the intended effect of, and justification for the proposed amendment to Maitland Local Environmental Plan 2011 (MLEP 2011) to rezone part of Lot 310 DP 1034974 corner of Station Lane and Christopher Road Lochinvar from R1-General Residential to B2-Local Centre. A Floor Space Ratio (FSR) of 2:1 will be placed over the site to ensure that development of the site is consistent with the hierarchy of centres identified through Council's Activity Centres and Employment Clusters Strategy (ACECS) 2010. The FSR is consistent with other town centres across the Maitland Local Government Area (LGA). The LEP amendment will result in:

1. Changes the LZN, LSZ, FSR and HOB map series to reflect the extent of the B2- Local Centre zone and associated controls for the Lochinvar town centre.

Any development of the site will require a development application and assessment against the provisions of the Maitland Local Environmental Plan 2011 and Maitland Citywide Development Control Plan 2011.

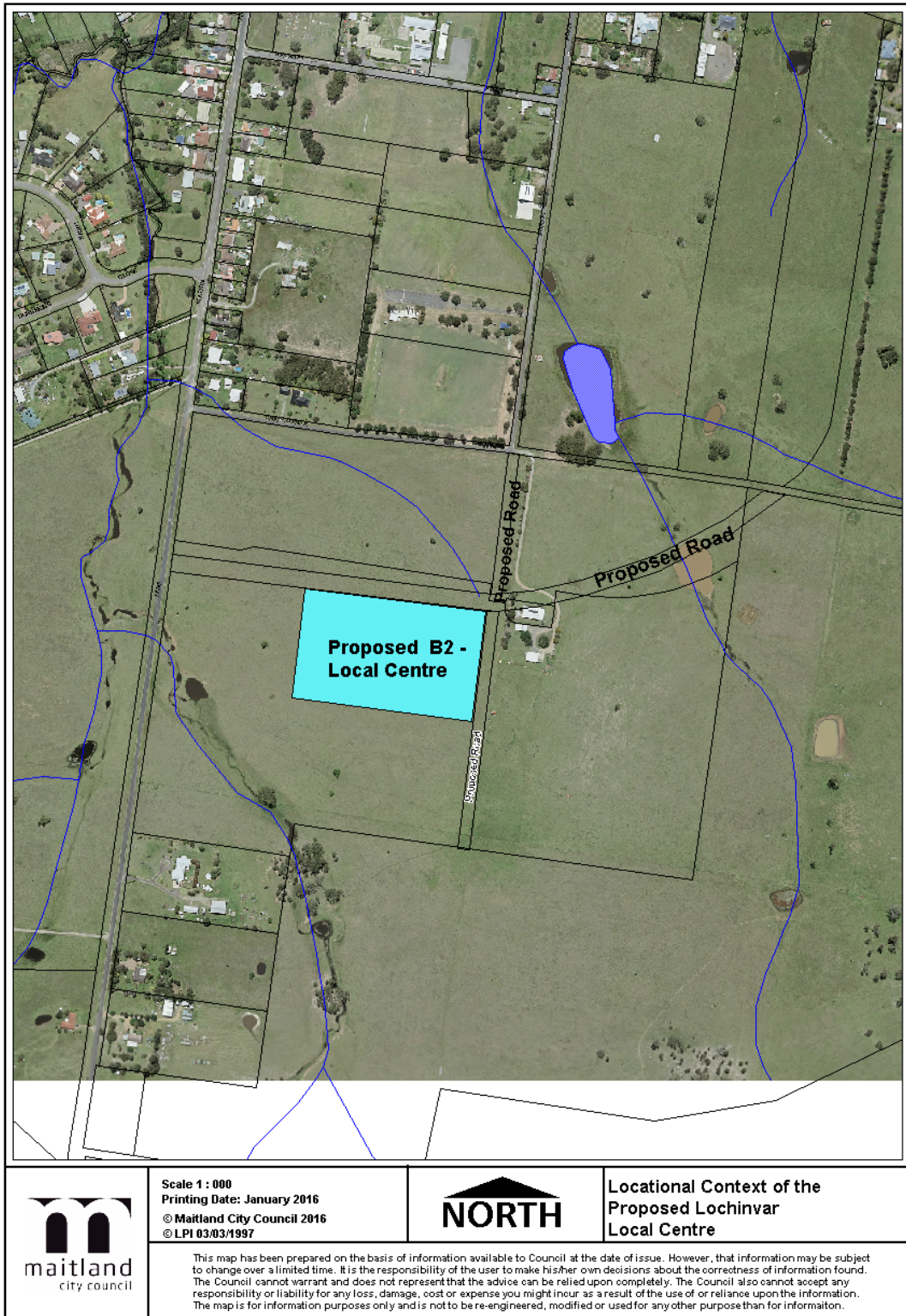
## SITE

The subject land is located centrally within the Lochinvar Urban Release Area bound by Christopher Road to the north and Station Lane to the west. The land has a total area of 36ha, relatively flat with a drainage line running in a northerly direction close to Station Lane. This drainage channel forms part of the trunk drainage network identified in the Lochinvar Area Plan and influences the positioning of the proposed commercial centre on this site.

As discussed in this planning proposal, the size and location of the commercial precinct is guided by adopted local and regional strategies, topography and proposed development of the Lochinvar URA demonstrated through subdivision plans. An area of 2.5ha is identified within the subject land for the site of the B2 Local Centre. **Figure 1** provides a locational context for the proposed precinct. In general, the B2 Local Centre fronts an internal distributor road network and is bound by a drainage corridor and Station Lane to the west.

In accordance with adopted strategies for the Lochinvar URA, open space and community facilities will form part of this important hub.





**Figure 1:** Locational context of proposed Lochinvar Local Centre



## **PART 1: OBJECTIVES OR INTENDED OUTCOMES**

The objectives of the proposal are to amend the Maitland Local Environmental Plan 2011:

- to facilitate a precinct plan, providing detailed urban design controls, for the Lochinvar town centre;
- to facilitate a development application for the development of the town centre in accordance with the precinct plan;
- to ensure the development of the centre is consistent with previous Council resolutions; and
- to allow the development of the town centre to accommodate commercial, retail and community uses to service the local community.

## **PART 2: EXPLANATION OF PROVISIONS**

The planning proposal seeks:

1. To amend the LZN\_002A map series to include the identified area of the land as B2 - Local Centre zone
2. To apply an FSR over map series FSR\_002A for the area of B2 Local Centre.
3. To apply HOB controls over map series HOB\_002A for the area of B2 Local Centre:
4. To remove the LSZ controls from map series LSZ\_002A for the B2 Local Centre 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**

#### **Is the planning proposal a result of any strategic study or report?**

The following strategic studies and reports (discussed above) are considered relevant to the land and intended use as a basis for justifying the proposal:

1. Lochinvar Structure Plan 2007
2. Maitland Activity centres and Employment Clusters Strategy 2010
3. Lochinvar Area Plan 2014
4. Lochinvar Section 94 Contributions Plan 2014

### **Lochinvar Structure Plan (Fig.2)**

The Lochinvar Structure Plan was adopted by Council in 2007 and subsequently endorsed by the Department of Planning and Environment. The preparation of the structure plan considered the impact of increased population to determine the need for additional community services and identified a range of facilities needed to support residential development, including a commercial precinct and community hub.

The framework of the Lochinvar Structure Plan provides guidance for development and allows the attributes of the release area, including the natural environment and special features of the area, to determine the most appropriate locations for land use types. The structure plan also encourages forward planning and implementation of infrastructure such as roads, services and community facilities which are properly integrated with existing services and facilities and coordinated with growth and release of new residential areas.

The Lochinvar Structure Plan identifies, amongst other things, a commercial precinct in the central sector of the township. It is envisaged the development of this area would provide a "hub" for the future town, linking with the historic, civic and educational precincts and sporting and community functions to provide depth and a central identity to the village. The commercial precinct serves to provide a link between the existing and established village and the new urban development fronts.

The structure plan provides for an area of at least 5ha to cater for facilities such as local shops and a supermarket, professional offices, community buildings, car parking, open space and landscaping within the central town precinct. Pedestrian and cycle way links will be provided to the residential and community precincts in the south and access provided across the New England Highway in a designated location.

Community feedback during the consultation process for the preparation of the Lochinvar Structure Plan, relating to the commercial precinct, resulted in the following:

- *The core commercial centre being relocated to the intersection of the two main collector roads through the proposed release area, centrally located between the existing urban footprint of the Lochinvar township and the southern boundary at Lochinvar railway station. It is expected to be located within the Stage 1 release area with the demand threshold occurring on the cusp of Stages 1 and 2.*
- *The commercial precinct is intended to function as a local centre providing a range of retail, business, entertainment and community uses to serve the needs of the local community. It also aims to provide local employment opportunities in accessible locations, maximise public transport patronage and encourage walking and cycling.*

### **Activity Centres and Employment Clusters Strategy (ACECS) (Fig. 4)**

The Hunter Regional Plan 2036 identifies Central Maitland as a 'Major Regional Centre' with East Maitland, Rutherford, Thornton and Lochinvar (emerging) as the area's 'Town Centres'. Council identified the need for a clear strategy to guide the future growth and enhance all activity centres throughout the Maitland LGA to support the growing residential population.

The ACECS, adopted in January 2010, sets out key principles to encourage the growth of all activity centres and employment clusters within the Maitland LGA and to support the growing residential community with adequate services, facilities and employment opportunities. Set

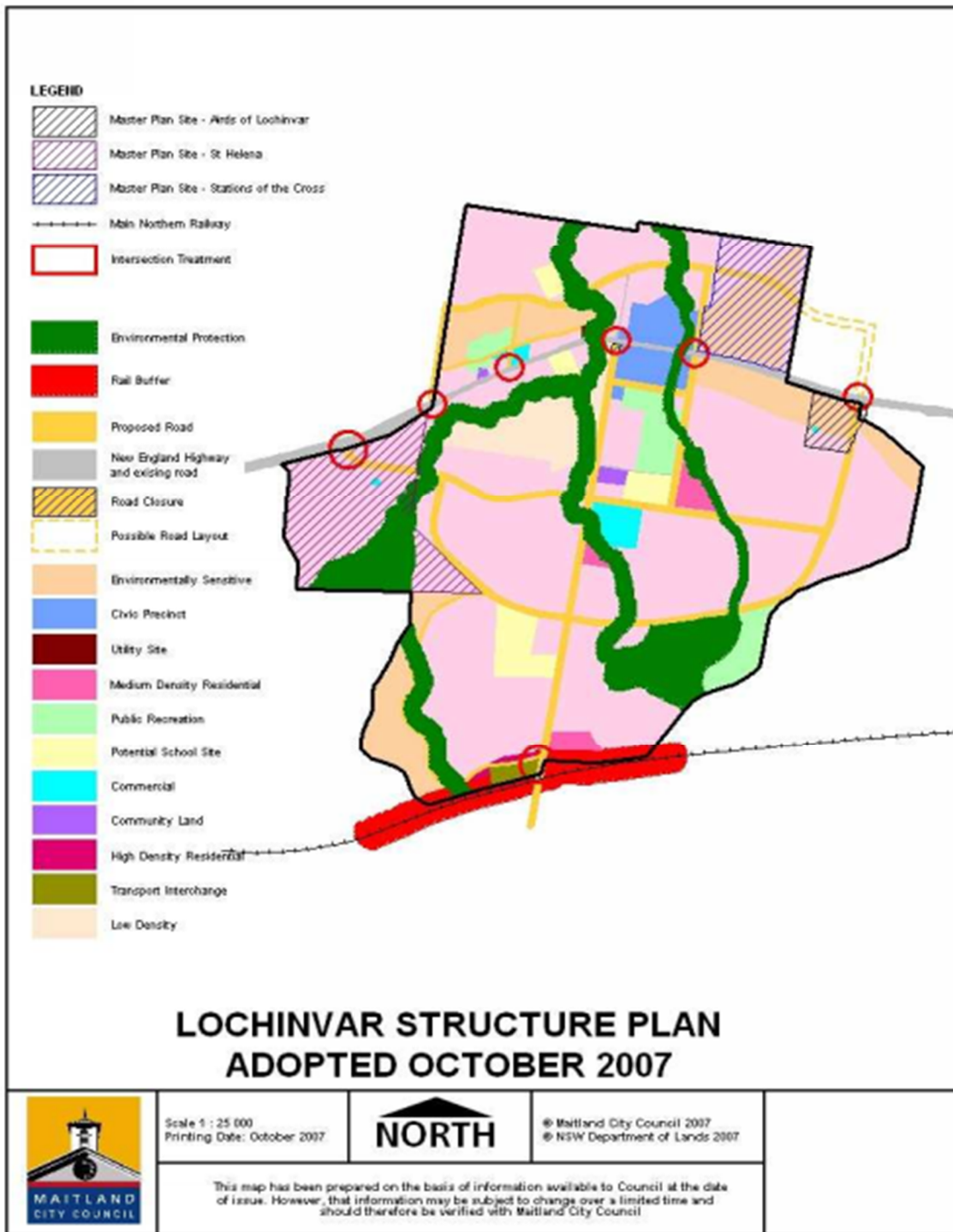


Figure 2: Lochinvar Structure Plan





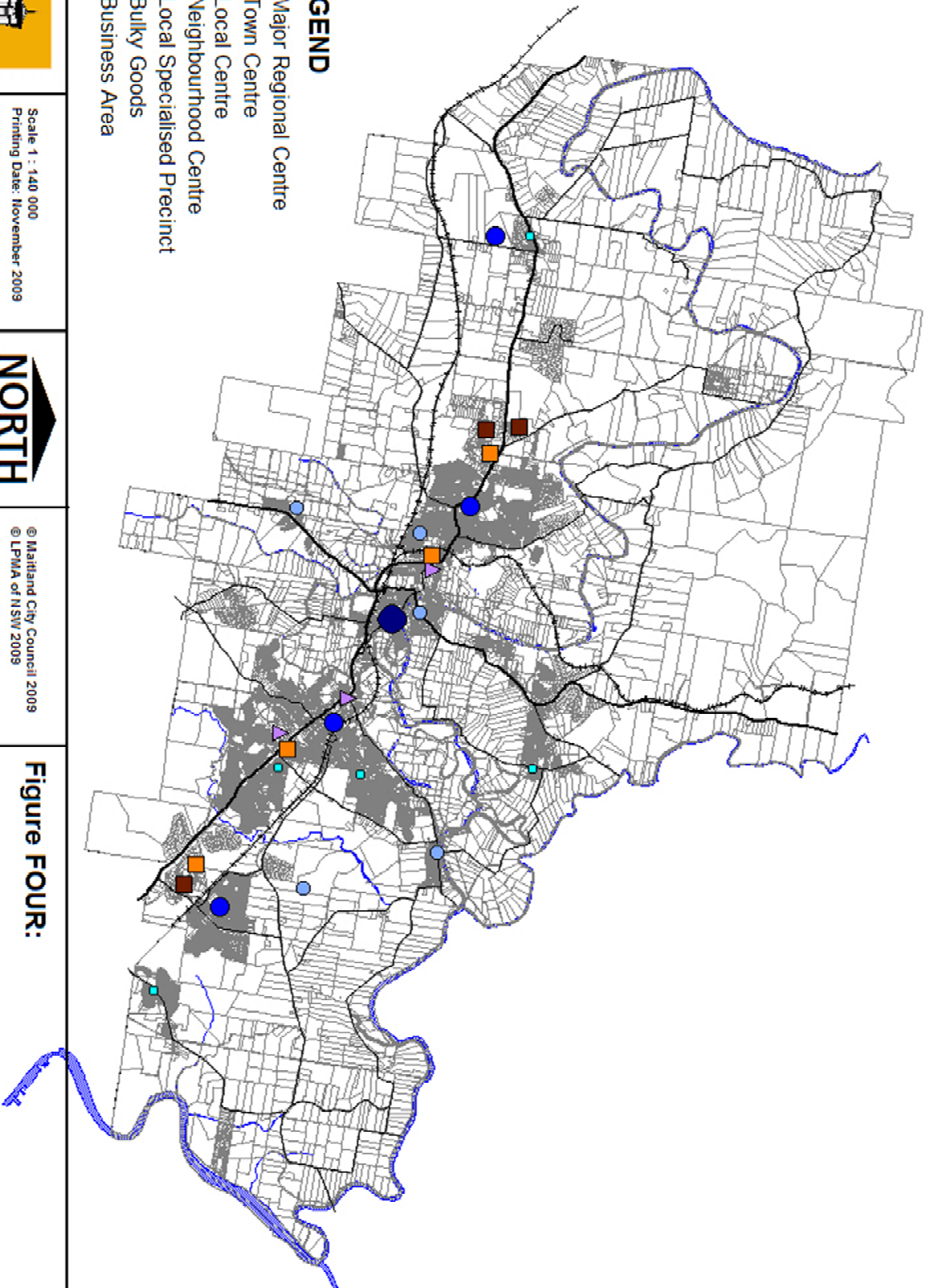
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This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change over a limited time and should therefore be verified with Maitland City Council

- LEGEND**
- Major Regional Centre
  - Town Centre
  - Local Centre
  - Neighbourhood Centre
  - ▲ Local Specialised Precinct
  - Bulky Goods
  - Business Area



**Figure FOUR:**  
**NETWORK OF CENTRES and EMPLOYMENT CLUSTERS**  
within the MAITLAND LGA

within the regional and local context, the strategy presents a proactive approach to the planning and development of activity centres and employment clusters. This approach is set within a network and hierarchy framework which supports the key objectives of DoPI&E state-wide draft Centres Strategy and also provides a clear definition as to the vision, role and function of activity centres and employment clusters.

The creation a new town centre in the Lochinvar URA will support the existing centre in Lochinvar which is identified as being a neighbourhood centre. The location of the town centre is at the heart of the structure plan area, central to Station Lane and within walking distance to the railway station. It is also in close proximity to existing residential areas, recreational, community and educational facilities.

The ACECS identifies key policy objectives for the Lochinvar town centre as follows:

- *Reinforce the role and function of Lochinvar as one of the town centres in the Maitland LGA and provide a focal point for community activity enabling a strong identity and sense of community to be built by all residents of Lochinvar and the wider area;*
- *Provide a range of community, commercial, retail and entertainment activities to create a diverse activity centre which serves the needs of new and existing residents of Lochinvar and further west beyond the Maitland LGA boundary;*
- *The integration of mixed use development, medium density residential and shop top housing in and around the centre will contribute to a diverse, vibrant town centre and support uses to establish a viable night-time economy;*
- *The provision of quality public spaces, public art, landscaping and street furniture to create an interesting public realm and present opportunities to meet and mingle and participate in community life;*
- *Create safe and well connected pedestrian and cycle routes to provide high accessibility between the town centre, residential areas, existing education facilities and public transport*

Analysis suggests that the Lochinvar town centre should be potentially similar in size and offer the same level of services as Rutherford, East Maitland and Thornton town centres. The ACECS places the Lochinvar commercial precinct as a town centre in the hierarchy of centres.

### **Lochinvar URA LEP Amendment**

In July 2010, subsequent to the adoption of the Lochinvar Structure Plan, Council resolved to prepare a draft LEP amendment to rezone land, within the adopted Lochinvar Structure Plan boundaries, from rural to an urban environment. Environmental studies were prepared for the Lochinvar Investigation Area, with the collaboration and support of landowners, to inform the zone and land use outcomes for the release area.

In summary, the key recommendations were that the site has minimal constraints and is suitable for a future urban environment. Further detailed planning would be required to address the finer detail for the development of the Lochinvar urban release area and would typically take the form of an amendment to the Maitland DCP to include an Area Plan, as has been the case for the larger release areas at Thornton North, Aberglasslyn and Gillieston Heights. The proposal to rezone the Lochinvar Urban Release Area was initiated before the preparation of the comprehensive draft Maitland LEP 2011. The rezoning process for the Lochinvar URA continued in parallel with the preparation of the comprehensive draft Maitland LEP 2011.

On 21 October 2011 an amendment to the Maitland LEP 1993 to provide for the Lochinvar URA was made. The LEP amendment identified the following zones within the Lochinvar URA:

- 2(a) Residential
- 3(a) General Business
- 6(a) Public Recreation
- 7(c) Environmental Protection General

It was considered at the time, the rezoning of the proposed Lochinvar Town Centre would form a future, separate LEP amendment. Two factors informed this decision:

1. There were no business zones under the MLEP 1993 to reflect the adopted hierarchy of centres addressed in the ACECS for Lochinvar; and
2. There were no site specific location details for road hierarchy/network, as later shown in the Lochinvar Area Plan and S.94 Contributions Plan, and no subdivision lot layout details, as later shown through submitted subdivision plans to identify the exact location for the business zone boundaries.

As a consequence, the exact siting of the future town centre zone boundaries would most likely include incorrect land, resulting in future LEP amendments to align zone boundaries with new, updated cadastre information. This occurred with the Chisholm Neighbourhood Centre requiring further LEP amendments to correct business zone boundary alignment, resulting in delaying the delivery of the commercial precinct for the growing population of Chisholm.

In December 2011, the comprehensive Maitland LEP 2011 was gazetted aligning the MLEP with the LEP standard instrument. Comparative zones for the Lochinvar URA identified:

- R1 General Residential for 2(a) Residential
- B1 Neighbourhood Centre for 3(a) General Business
- RE1 Public Recreation for 6(a) Public Recreation
- E3 Environmental management for 7(c) Environmental Protection General
- R5 Large Lot Residential for the Freeman Drive Precinct (previously 2(a) Residential)

It is now imperative that the planning for the Lochinvar town centre be initiated to reflect the location and land use outcomes envisioned and planned for through Lochinvar Structure Plan, ACECS, Lochinvar Area Plan and S.94 Contributions Plan. It is considered the B2 – Local Centre zone is consistent with the hierarchy of centres addressed through the ACECS 2010, for Lochinvar.

To date Council has approved 366 residential lots within the Lochinvar URA. Development applications within the system currently being assessed account for an additional 653 residential lots. The expectations of an emerging residential community at Lochinvar would be the provision of a community hub, in the identified location, incorporating a range of convenience retail activities and community facilities to cater for their 'everyday' needs.



**Lochinvar Area Plan (Fig. 3) and s.94 Contributions Plan** were prepared and adopted by Council on 26 August 2014. These documents provide detailed development controls which implement the principles and policies outlined in the Structure Plan and Lochinvar LEP amendment.

Within the Lochinvar Area Plan, the provision of a future centre is identified as a 'Key Development Site'. The objectives for this site are:

- Incorporate a future town centre that provides a range of shopping and community support facilities and activities commensurate with its role in a hierarchy of centres across the Maitland LGA;
- Create a transport hub at the town centre, by providing good connectivity to the centre for pedestrians, cyclists and public transport ;and
- Create a critical mass of residential dwellings close to or within the centre to provide out of hours activity.

The provision of a town centre in the proposed location will provide a range of convenience retail activities to cater for the 'everyday' needs of the surrounding residential neighbourhood. The scale, role and function as a town centre will support the existing neighbourhood centre on the New England Hwy in Lochinvar, and provide a place for the new residents of Lochinvar to forge a strong identity with and be a community focal point.

The Lochinvar Area Plan identifies the future town centre adjoining distributor roads within the release area with s.94 funded roads and intersections. These roads will support both "off road" shared paths and "on road" commuter paths linking the community hub to transport and community infrastructure and facilities. The subject site is also identified within Stage 1 of the release area.

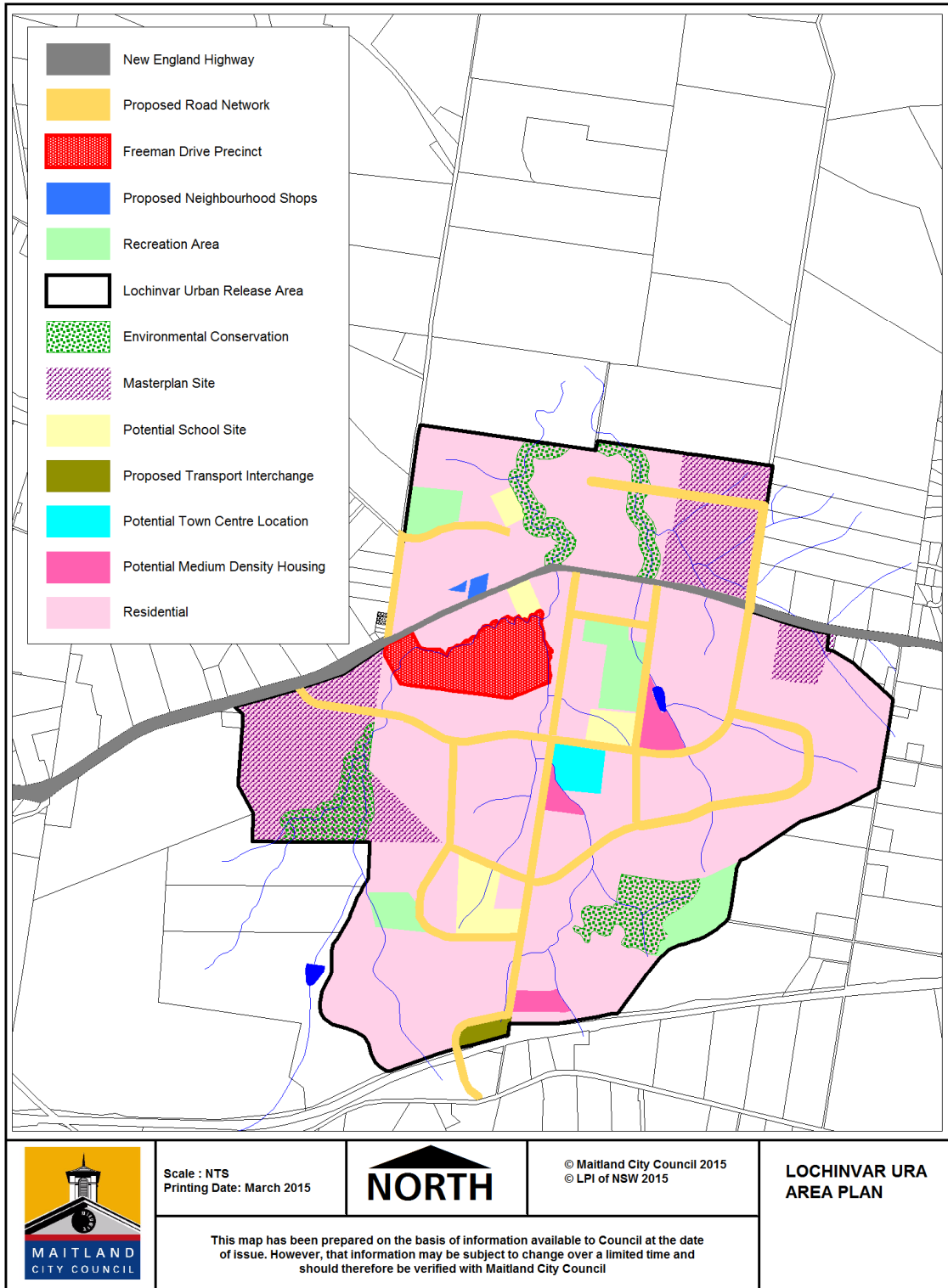


Figure 3: Lochinvar Area Plan

**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 vision of the Lochinvar Structure Plan and the desired future outcomes for the urban release area. The provision of a town centre within the Lochinvar urban release area supports Council's policy position to ensure that adequate infrastructure is delivered in parallel with residential development, continues to implement the aims and desired outcomes of the Lochinvar Structure Plan and Lochinvar Area Plan and ensures the development of a sustainable community.

This amendment will enable the rezoning of land within the Lochinvar urban release area to B2-Local Centre under the Maitland LEP 2011. The rezoning of this land continues the progression of the Lochinvar urban release area and builds on the substantial work and rezoning that has taken place in the release area.

**Is there a net community benefit?**

Council envisages that this planning proposal will result in a net community benefit. In consideration of the net community benefit criteria as set out in the NSW Department of Planning's *'draft Centres Policy - Planning for Retail and Commercial Development'*.

The Lochinvar urban release area is one of the 'Major Priority Release Areas' as identified in the Hunter Regional Strategy 2036 and Greater Newcastle Metropolitan Plan 2036, and is also identified as an urban release area within Council's endorsed Maitland Urban Settlement Strategy. The creation of a new town centre to support this residential growth is critical in achieving a sustainable outcome and is therefore consistent with the outcomes of both the regional, sub-regional and local strategies.

The subject locality has been identified for the purpose of a new town centre since the adoption of the Lochinvar Structure Plan in 2007. Since this time, Council has been actively progressing the rezoning and approval of development applications for land within the urban release area. This ensures that service infrastructure and community facilities can be delivered in parallel with residential growth development.

The creation of a town centre within this release area was also identified through the preparation and adoption of the area plan and s. 94 plan. Accordingly, the location of the town centre has been determined in the context of the overall release area and how it can be developed as a community focal point in the Lochinvar area. **Figure 1** provides the location of the proposed town centre in the broader context of the Lochinvar Urban Release Area.

The creation of the Lochinvar town centre provides more opportunities for choice and competition for residents within the western sector of the Maitland LGA, as well as facilitating new entrants into the market.

The public interest reasons for preparing this draft planning include:

- Creation of a new town centre to support the growing residential population within this area of the Maitland LGA;



- Proposed size and scale of the town centre supports its identified role and function within Council's centres hierarchy and is expected to work in combination with the town centre at Rutherford; and
- To foster a sense of community and strong local identity and a sense of place in neighbourhoods.

The implications of not proceeding are that:

- The desired future outcomes of Council's strategic plan for this area will not be achieved;
- Undue pressure will be placed on the existing town centre at Rutherford to support the increasing needs of existing and future residents of this part of the Maitland LGA;
- There will be no opportunities for any reduction in car generating trips made for grocery and convenience shopping; and
- It will be a lost opportunity to create a sense of community for new residents to Lochinvar and provide a place that they can create a strong identity with.

## **SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**

### **Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?**

Hunter Regional Plan 2036

The *Hunter Regional Plan 2036* is a 20 year blueprint for the future of the Hunter.

The vision is to create a leading regional economy in Australia, with a vibrant metropolitan city at the heart. This vision will be delivered through four goals, as follows:

- a leading regional economy in Australia
- a biodiversity-rich natural environment
- thriving communities
- greater housing choice and jobs.

The following directions are relevant to the proposal.

<b>Relevant Direction</b>	<b>Response</b>
<b><i>Direction 17: Creating healthy built environments through good design.</i></b>	The Lochinvar town centre will provide essential services and a focal point for the community. The centre is centrally located and very accessible by car, walking and cycling. The centre will be located on a distributor road bus route that will provide opportunities for interchange between different modes of transport. The subject site is located within a growing urban residential area. All essential services including telecommunications, electricity, gas,

	<p>reticulated water and sewer services are being extended to service the growing residential neighbourhood including the town centre and sporting facilities. All other essential services such as health, education and emergency services are available in the immediate and nearby locality.</p>
<p><b>Direction 20: Revitalise Existing Communities</b></p>	<p><i>The location of the proposed new town centre has been informed by a number of factors including the size and shape of the release area, connectivity with key roads and public transport infrastructure and the development of a “greenfield” site. Whilst the existing Lochinvar village has a scattering of commercial land uses, providing services for both the travelling public and the local population, these have generally been formed in amongst the existing residential area fronting the New England Hwy. It is anticipated that the Lochinvar Hotel, hot food takeaway outlet and newsagency/café will continue to provide this service. Expansion or urban revitalisation of this minor centre is limited given the already developed nature of the locality with housing. The separate private ownership of each site would inhibit the timely development of a centre to a size commensurate with the end population for the Lochinvar URA, envisaged through Council’s Activity Centres and Employment Cluster Strategy.</i></p> <p><i>The provision and development of a “greenfield” site within the URA will enable parking, ped/cycle access and public transport nodes to be developed in a timely and strategic manner for the growing community.</i></p>
<p><b>Direction 21: Create a compact settlement.</b></p>	<p>This commercial precinct is centrally located in the Lochinvar Urban Release Area. It is a key component of the Lochinvar Structure Plan and Lochinvar Area Plan providing an appropriate sized centre in an accessible location for the growing community. The size of the proposed B2 Local Centre is directed through Council’s ACEC strategy and is directly proportionate with other commercial centres servicing similar catchment sizes.</p>

## Greater Newcastle Metropolitan Plan 2036

The *Greater Newcastle Metropolitan Plan 2036* (GNMP) sets out the strategies and actions that will drive sustainable growth across the five (5) Local Government Areas of Cessnock, Lake Macquarie, Newcastle City, Port Stephens and Maitland, which make up Greater Newcastle. The Plan aims to achieve the vision set out in the *Hunter Regional Plan 20136* – for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart.

The following directions are relevant to the proposal.

Relevant Direction	Response
<p><b><u>Strategy 20: Integrate Land Use and Transport Planning.</u></b></p> <p><b><i>Action 20.1 identify improvements to active transport networks, and provide unobstructed well connected pedestrian paths and a network of off-road separated cycle ways to key destinations, including schools, employment hubs, shops and services.</i></b></p>	<p>The Lochinvar Town Centre will provide essential services and a focal point for the growing community.</p> <p>The centre is centrally located and accessible by car, public transport, walking and cycling. The centre will be located on a distributor road bus route that will provide opportunities for interchange between different modes of transport.</p> <p>The proposed centre is positioned to provide logical and accessible links to the existing education, health and emergency services in the locality.</p>
<p><b><u>Strategy 10: Create better buildings and great places</u></b></p>	<p><i>The ability to develop a new town centre and compact commercial precinct will create a sense of identity and connection with the emerging community of Lochinvar. It is envisaged development and design controls through the Lochinvar DCP will provide an opportunity for the centre to create its own character commensurate with the surrounding community.</i></p> <p><i>Pedestrian, cycle and public transport linkages addressed through both the Lochinvar DCP and s. 7.11 contributions plan will ensure safe and easy access to the whole community connecting neighbourhoods throughout the URA.</i></p>
<p><b><u>Strategy 11: Create more public space where people come together</u></b></p>	<p><i>Land immediately adjoining the proposed commercial precinct has been identified, through the Lochinvar Structure Plan, s.7.11 plan and DCP, as supporting a community facility and local open space playground. Directly opposite the proposed commercial precinct are existing sporting fields which have been strategically incorporated into the Lochinvar road, pedestrian and cycle network and urban fabric through the Lochinvar DCP, s.7.11 plan and Structure Plan.</i></p>



#### Draft Centres Policy (NSW Department of Planning) – April 2009

The 'Draft Centres Policy – Planning for Retail and commercial Development' sets out the Department's desired approach to the development of centres with a particular focus on retail and commercial development. The aim of this policy is to "create a network of vital and vibrant centres that cater for the needs of business, and are places where individuals and families want to live work and shop" (DoP 2009: ii).

Of particular relevance is the principle which states that the growth of centres and the creation of new centres are to be supported by a flexible planning system, which should regulate the location and scale of development. This planning proposal is facilitating the creation of a new centre, which is of a scale to support Council's centres hierarchy and is catering to the needs of the growing residential population in this area of the Maitland LGA.

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

##### Maitland +10 (Community Strategic Plan)

Maitland City Council has prepared and adopted a community strategic plan in line with the new Integrated Planning and reporting legislation and guidelines. The planning proposal is considered consistent with the vision and objectives of the Maitland +10 Community Strategic Plan as it provides opportunities for a vibrant town centre and retailing space within the LGA to meet the needs of a growing population.

##### Maitland Urban Settlement Strategy 2012

The proposal is consistent with the Maitland Urban Settlement Strategy 2012. Lochinvar is identified as one of Council's Urban Release Areas and is expected to house up to 14,000 people.

##### Maitland Activity Centres and Employment Clusters Strategy (MACECS) 2010

The MACECS identifies the emerging Lochinvar commercial precinct as a "Town Centre". The key objectives for the centre are:

- *Reinforce the role and function of Lochinvar as one of the town centres in the Maitland LGA and provide a focal point for community activity enabling a strong identity and sense of community to be built by all residents of Lochinvar and the wider area;*
- *Provide a range of community, commercial, retail and entertainment activities to create a diverse activity centre which serves the needs of new and existing residents of Lochinvar and further west beyond the Maitland LGA boundary;*
- *The integration of mixed use development, medium density residential and shop top housing in and around the centre will contribute to a diverse, vibrant town centre and support uses to establish a viable night-time economy;*
- *The provision of quality public spaces, public art, landscaping and street furniture to create an interesting public realm and present opportunities to meet and mingle and participate in community life;*

- *Create safe and well connected pedestrian and cycle routes to provide high accessibility between the town centre, residential areas, existing education facilities and public transport*

The proposal will help meet these objectives by enabling the Lochinvar Centre to proceed. The proposed centre is centrally located, will be serviced by public transport (bus) and will be connected to the network of walking and cycling infrastructure.

#### Lochinvar Structure Plan

The framework of the Lochinvar Structure Plan provides guidance for development and allows the attributes of the release area, including the natural environment and special features of the area, to determine the most appropriate locations for land use types. The structure plan also encourages forward planning and implementation of infrastructure such as roads, services and community facilities which are properly integrated with existing services and facilities and coordinated with growth and release of new residential areas.

The Lochinvar Structure Plan identifies, amongst other things, a commercial precinct in the central sector of the township. It is envisaged the development of this area would provide a “hub” for the future town, linking with the historic, civic and educational precincts and sporting and community functions to provide depth and a central identity to the village. The commercial precinct serves to provide a link between the existing and established village and the new urban development fronts.

The structure plan provides for an area of at least 5ha to cater for facilities such as local shops and a supermarket, professional offices, community buildings, car parking, open space and landscaping within the central town precinct. Pedestrian and cycle way links will be provided to the residential and community precincts in the south and access provided across the New England Highway in a designated location.

#### Lochinvar Area Plan

Within the Lochinvar Area Plan, the provision of a future centre is identified as a ‘Key Development Site’. The objectives for this site are:

- Incorporate a future town centre that provides a range of shopping and community support facilities and activities commensurate with its role in a hierarchy of centres across the Maitland LGA;
- Create a transport hub at the town centre, by providing good connectivity to the centre for pedestrians, cyclists and public transport ;and
- Create a critical mass of residential dwellings close to or within the centre to provide out of hours activity.

The provision of a town centre in the proposed location will provide a range of convenience retail activities to cater for the ‘everyday’ needs of the surrounding residential neighbourhood. The scale, role and function as a town centre will support the existing neighbourhood centre on the New England Hwy in Lochinvar, and provide a place for the new residents of Lochinvar to forge a strong identity with and be a community focal point.

### Is the planning proposal consistent with applicable state environmental planning policies?

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

SEPP	Relevance	Consistency and Implications
<b>SEPP (Infrastructure) 2007</b>	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.
<b>SEPP No. 64 - Advertising and Signage</b>	Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	Any future planning application for the Lochinvar Town Centre will need to demonstrate compliance with the standards of this SEPP.
<b>SEPP No. 55 - Remediation of Land cl.6</b>	Provides state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.	This site was rezoned to Residential 2(a) as a part of Amendment 110 to the Maitland LEP 1993. Site contamination assessment concluded the area was suitable for residential and associated development, therefore the land use proposed is considered suitable on this site without further contamination assessment required.

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

Table 1: s 9.1 Directions.

DIRECTIONS	CONSISTENCY AND IMPLICATIONS
<b>1. EMPLOYMENT AND RESOURCES</b>	
<b>1.1 Business and Industrial zones</b>	<b>Consistent</b>
The objective of this direction is to protect employment land, encourage employment growth and support the viability of centres.	This planning proposal aims to create a new Town Centre, identified in the Lochinvar Area Plan, Maitland Activity Centres and Employment Clusters Strategy and Lochinvar Structure Plan. This proposal will increase

**DIRECTIONS****CONSISTENCY AND IMPLICATIONS**

commercial and retail floor space to support the growing residential population in this area of the Maitland LGA and will support the function and role of the existing neighbourhood centre in Lochinvar. The proposal is consistent with the Hunter Regional Plan 2036.

**3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT****3.1 Residential Zones****Consistent**

Encourage a variety and choice of housing, minimise the impact of residential development on the environmental and resource lands and make efficient use of infrastructure and services.

The proposal will remove an approximate area of 2.5ha of R1 General Residential, including recreational and community land area. However, this area has always been identified as a commercial and community precinct in Council's adopted strategies for Lochinvar. Shop top housing is permitted with consent in the B2 Local Centre zone. Therefore some residential outcome is possible. If pursued this would introduce a new and exciting residential product to the area.

**3.4 Integrating Land Use and Transport****Consistent**

The objectives relate to the location of urban land and its proximity to public transport infrastructure and road networks, and improving access to housing, employment and services by methods other than private vehicles.

The Lochinvar Town Centre is centrally located and well serviced by road, share ways and pedestrian links. A bus route is proposed along the distributor road fronting the site that will provide an opportunity for interchange between different modes of transport.

**4. HAZARD AND RISK****4.1 Acid Sulfate Soils****Consistent**

*The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.*

*The subject land contains Class 5 Acid Sulfate Soils, which are the least reactive soils identified within the MLEP 2011 Acid Sulfate Soils map. Acid Sulfate Soils were considered in the initial rezoning proposal for the Lochinvar URA and assessed as consistent with this Ministerial Direction at the time. The proposal to zone the subject land B2 is considered consistent with Direction 4.1.*

**4.2 Mine Subsidence and Unstable Land****Consistent**

*The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.*

*The subject land is not within a Mine Subsidence District or identified as unstable lands. The proposal is considered consistent with Direction 4.2.*

DIRECTIONS	CONSISTENCY AND IMPLICATIONS
<p><b>4.3 Flood Prone Land</b></p> <p><i>The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy, and to ensure the provisions of the LEP on flood prone land is commensurate with flood hazard and considers the potential flood impacts on and off the subject land.</i></p>	<p><b>Consistent</b></p> <p><i>The initial Lochinvar URA rezoning addressed land suitable for urban development. No flood liable land was rezoned for urban purposes. The current planning proposal is consistent with this planning principle as the proposal does not rezone flood liable land.</i></p> <p><i>Recent flood studies for Lochinvar Creek confirm the subject land is flood free during the 1%AEP flood event. Localised flooding may occur through local storm events, however stormwater management addressed through the Lochinvar DCP provide appropriate stormwater control/management infrastructure. The proposal is considered consistent with Direction 4.3.</i></p>
<p><b>4.4 Planning for Bushfire Protection</b></p> <p><i>The objectives of this direction are to protect life, property and the environment from bushfire hazards, and to encourage sound management of bushfire prone areas.</i></p>	<p><b>Consistent</b></p> <p><i>The proposal is not within a Bushfire Prone Area as addressed in the MLEP 2011 Bushfire Prone Land maps. The proposal is considered consistent with Direction 4.4.</i></p>
<p><b>5. REGIONAL PLANNING</b></p>	
<p><b>5.1 Implementation of Regional Strategies</b></p> <p>This direction requires a draft amendment to be consistent with relevant state strategies that apply to the LGA.</p>	<p><b>Consistent</b></p> <p>The proposal is consistent with the relevant directions of the Hunter Regional Plan 2036. An assessment against the relevant directions has been provided in Section 4 (B) above.</p>
<p><b>6. LOCAL PLAN MAKING</b></p>	
<p><b>6.2 Reserving Land for Public Purposes</b></p> <p><i>The objective of this direction is to facilitate the provision or removal of public services or reservations of lands for public purposes.</i></p>	<p><b>Consistent</b></p> <p><i>The proposal does not intend to amend the Land Reservation Map for the purpose of reserving land for public purposes. Recreational activities are permissible in the existing R1 Residential land zone. It is not intended to rezone the local playground to RE1. The s.7.11 plan identifies the need for a local playground in this catchment.</i></p>
<p><b>6.3 Site Specific Provisions</b></p> <p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p>	<p><b>Consistent</b></p> <p>The proposal simplifies the development controls that apply to the site.</p>

## **SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

### **Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The subject site was rezoned to 2(a) Residential as part of Amendment 110 to the Maitland LEP 1993. As such, all planning and environmental matters were investigated and addressed as part of that amendment. Council has concluded that there will be no additional environmental impacts as a result of this proposal. Therefore it is considered that there is no impediment to the progression of this amendment to the Maitland LEP 2011.

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

The subject land has formed part of the Lochinvar URA since 2007. Progressive site studies for the URA have identified the locality as suitable for an urban development outcome. The completion of this planning proposal will not significantly alter identified environmental effects, which were considered of a minor nature and manageable through the DA assessment process.

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

The planning proposal will achieve positive social and economic outcomes for existing and future residents of Lochinvar, but also in the wider context of the local economy. This planning proposal provides for the development of a new town centre in a suitable location which will cater for a range of commercial activities commensurate with the end population size and therefore a number of new employment opportunities.

*Analysis suggests that the Lochinvar town centre should be potentially similar in size and offer the same level of services as Rutherford, East Maitland and Thornton town centres. The ACECS places the Lochinvar commercial precinct as a town centre in the hierarchy of centres.*

Council considers social and economic benefits as a result of this planning proposal to be:

- The provision of a range of shopping and community facilities to support a growing residential population and that the scale of activities area is proportionate with its role in a hierarchy of centres across the Maitland LGA;
- An increase in the provision of more convenience retail activities increases the choice and competition in the area for residents and allows new players to enter into the market;
- The creation of a well-designed and well-connected town centre provides a focal point for residents to meet and a place that they can forge a strong identity with. This provides an attractive point of difference to other residential land releases;
- The provision of good connectivity to the centre for pedestrians, cyclists and public transport ; and
- The provision of residential dwellings close to or within the centre and the significant residential development in the immediate area, coupled with facilities such as restaurants and cafes provide out of hours activity and a more vibrant centre.

## **SECTION D – STATE AND COMMONWEALTH INTERESTS**

### **Is there adequate public infrastructure for the planning proposal?**

The site is within the Lochinvar Urban Release Area that is progressively being serviced with all necessary public infrastructure to support the end population envisaged for Lochinvar including the proposed town centre.

*The Lochinvar Area Plan identifies the future town centre adjoining distributor roads within the release area with s.94 funded roads and intersections. These roads will support both “off road” shared paths and “on road” commuter paths linking the community hub to transport and community infrastructure and facilities. The subject site is also identified within Stage 1 of the release area.*

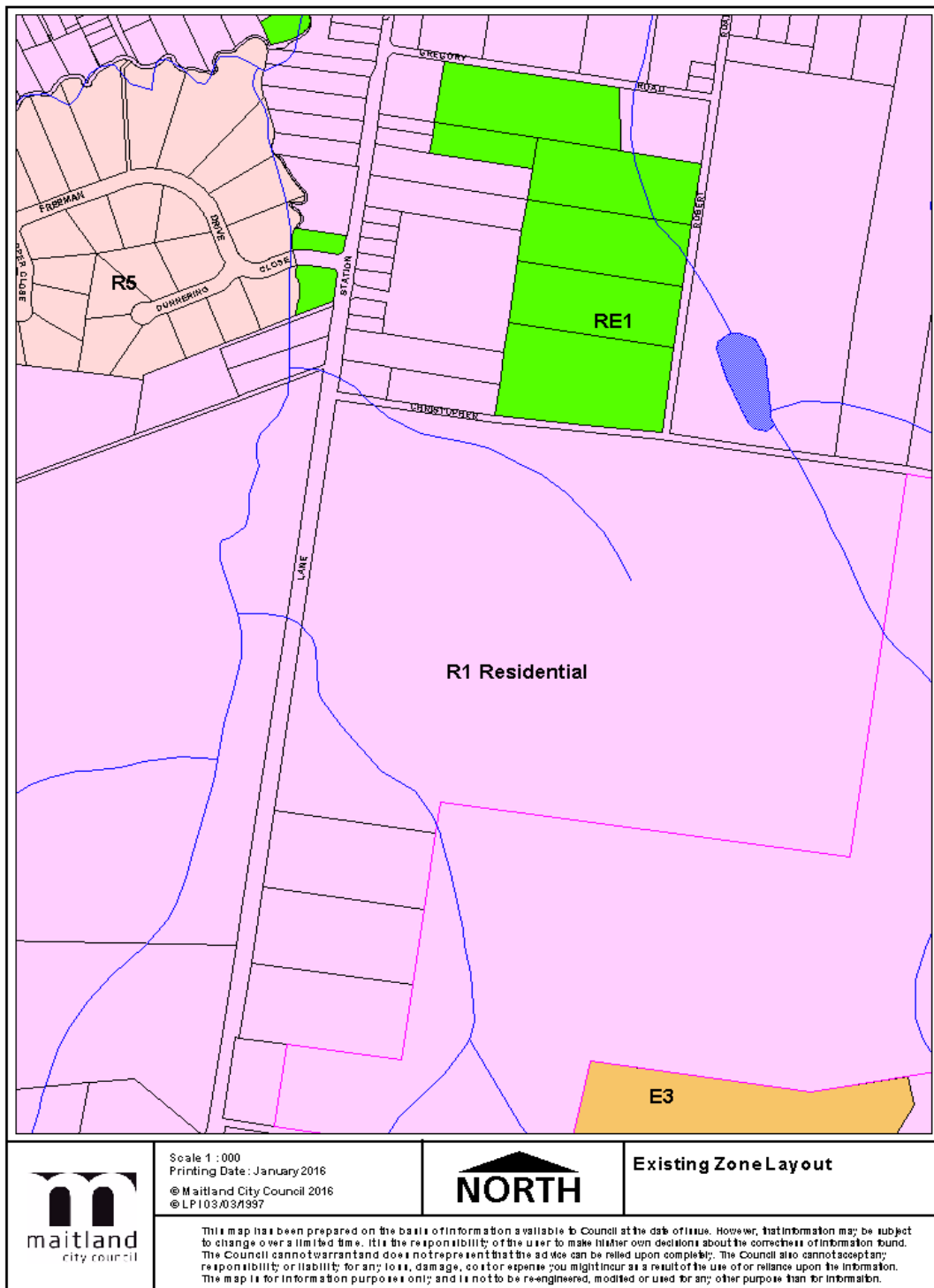
*Currently Council is assessing a number of subdivision applications within stage 1 of the release area which include and lock in the location of the distributor “ring road” consistent with the Lochinvar DCP and s. 94 plan. One of these applications includes the subject site for the proposed commercial precinct and therefore roads, lot boundaries and zone boundaries have been informed by detailed site planning. The HAF four way intersection on the New England Hwy has recently been completed and aligns with the location/connection with the proposed distributor “ring road”.*

### **What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?**

Relevant State and Commonwealth departments and agencies have been previously consulted during the preparation of the Lochinvar Structure Plan and Lochinvar Area Plan. Comments received at that time were considered through that process, which identified the potential rezoning of this site for a future town centre. Therefore, Council will not specifically be seeking any comments from State or Commonwealth Authorities in regard to this planning proposal.

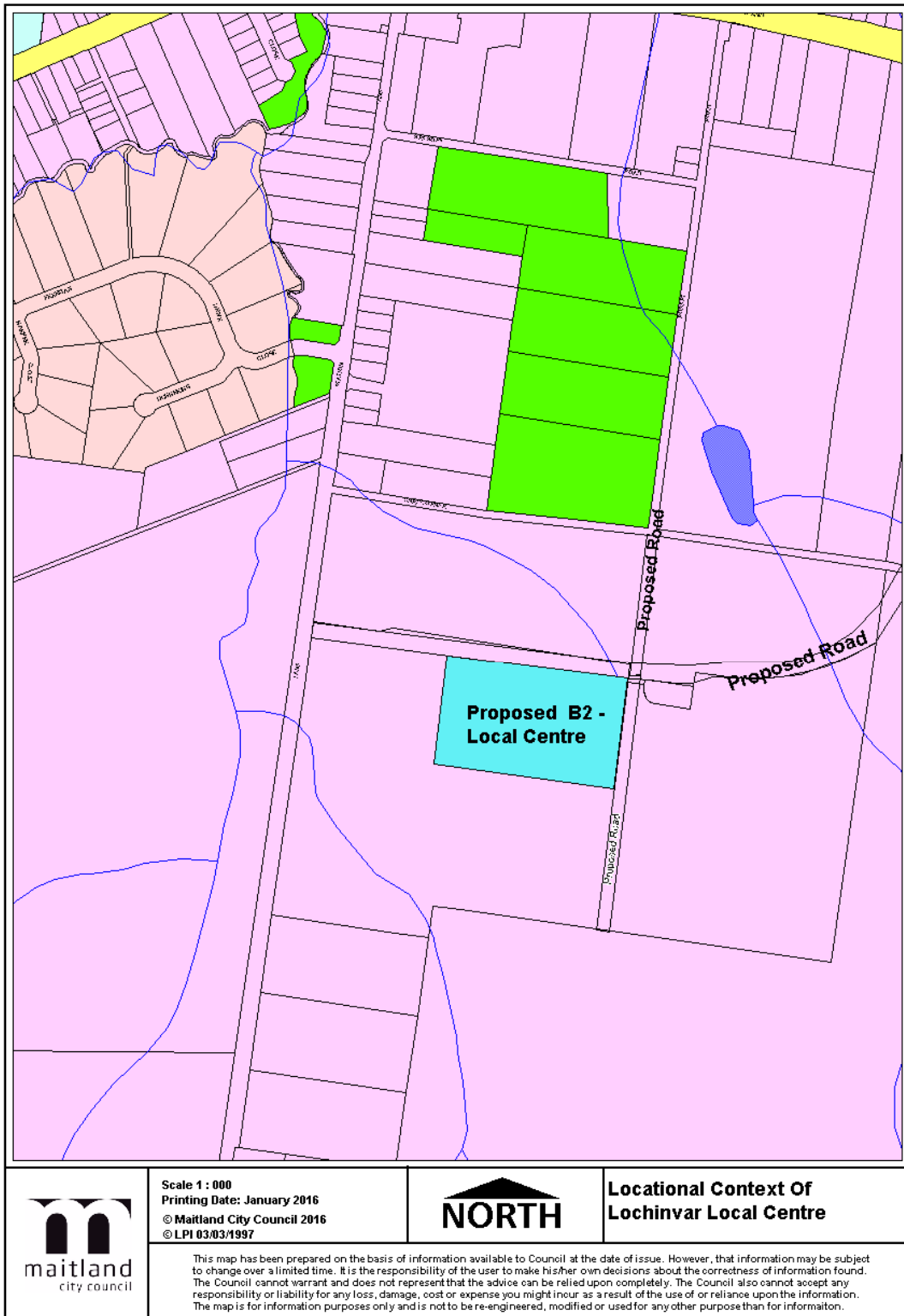


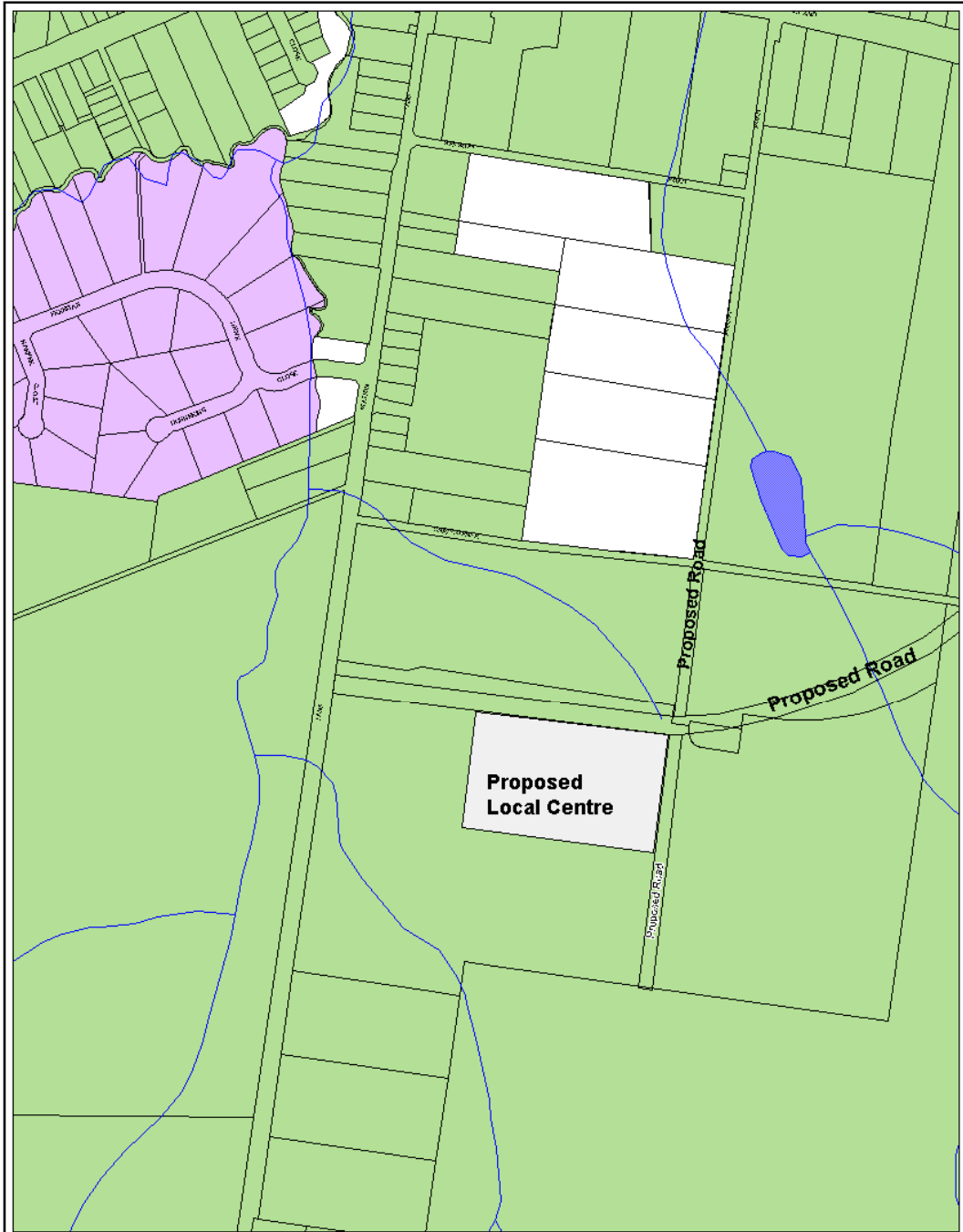
## EXISTING ZONE LAYOUT





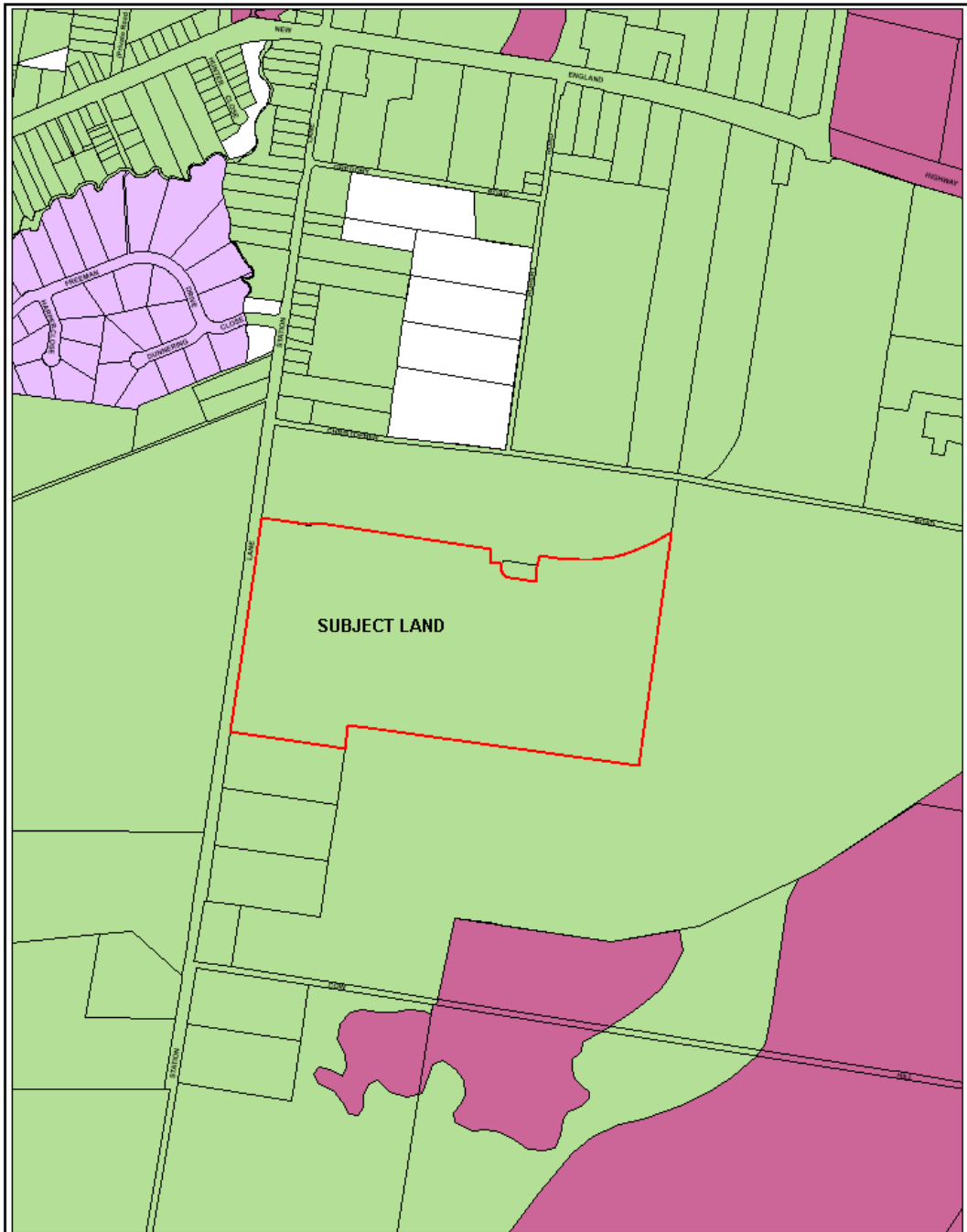
## PART 4: DRAFT LEP MAPS



The following Draft LEP maps support the proposal:

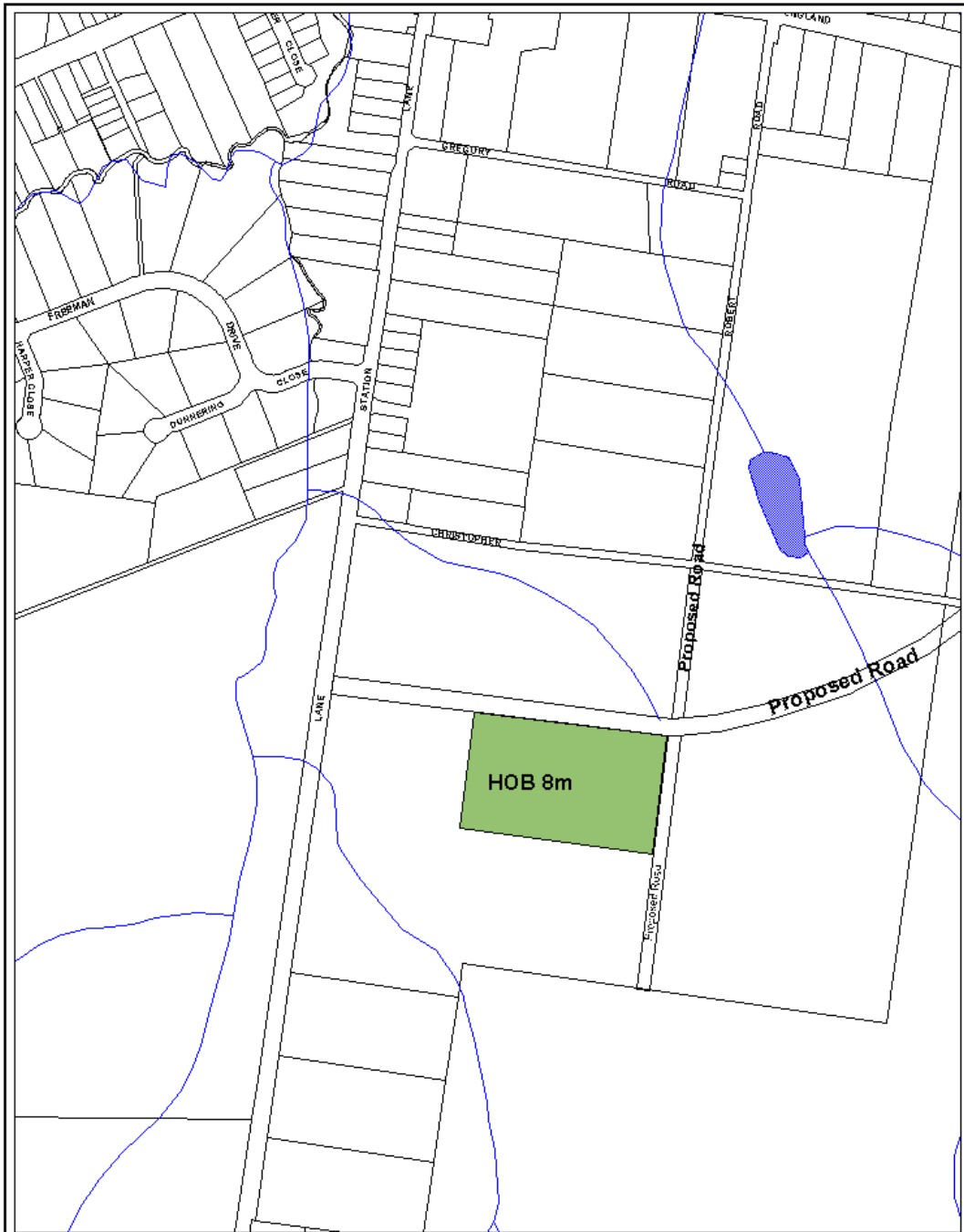






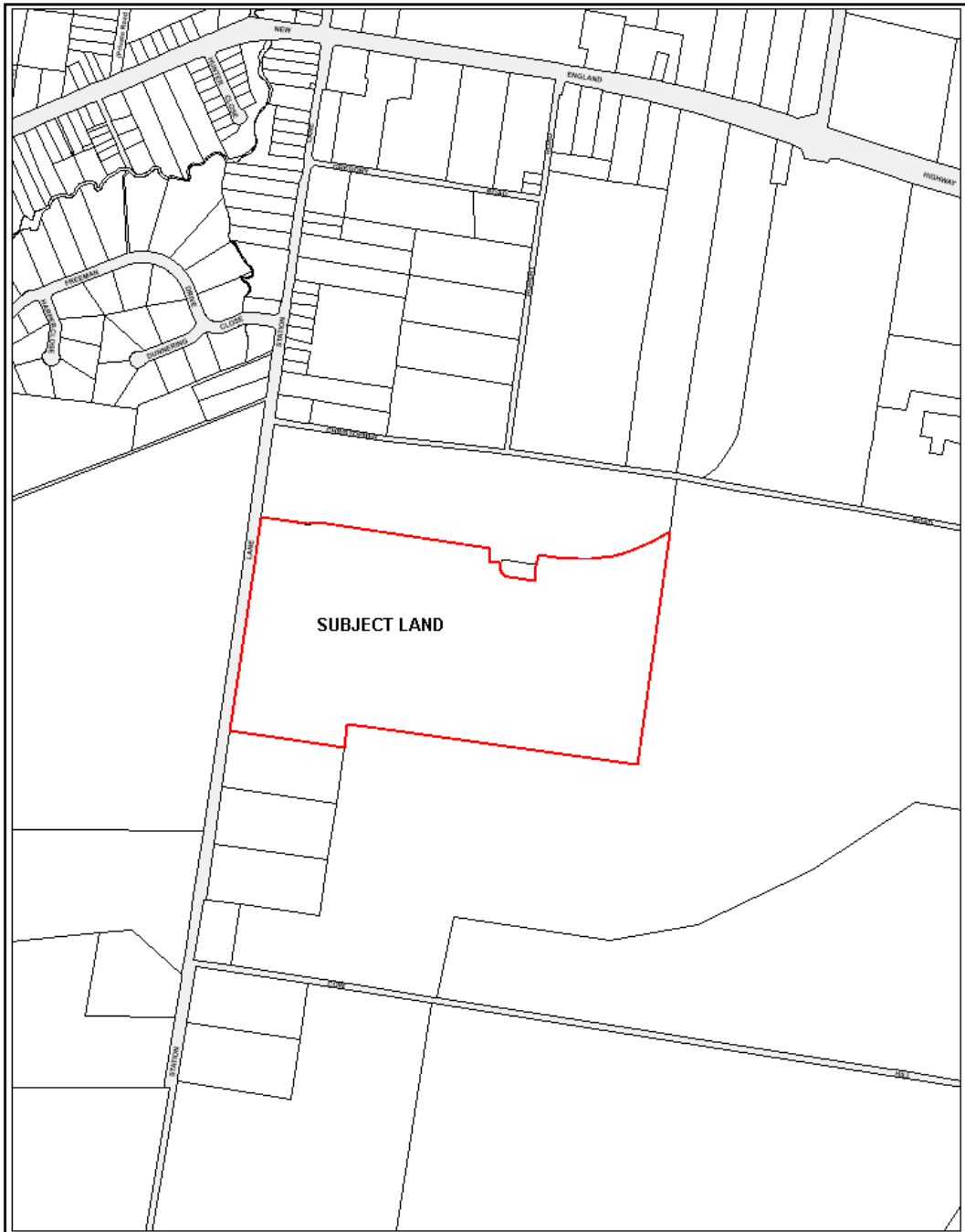
 <p><b>maitland</b> city council</p>	<p>Scale 1 : 000          Printing Date: January 2016          © Maitland City Council 2016          © LPI 03/03/1997</p>	 <p><b>NORTH</b></p>	<p><b>Proposed Lot Size Map</b></p> <p><small>This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change over a limited time. It is the responsibility of the user to make his/her own decisions about the correctness of information found. The Council cannot warrant and does not represent that the advice can be relied upon completely. The Council also cannot accept any responsibility or liability for any loss, damage, cost or expense you might incur as a result of the use of or reliance upon the information. The map is for information purposes only and is not to be re-engineered, modified or used for any other purpose than for information.</small></p>
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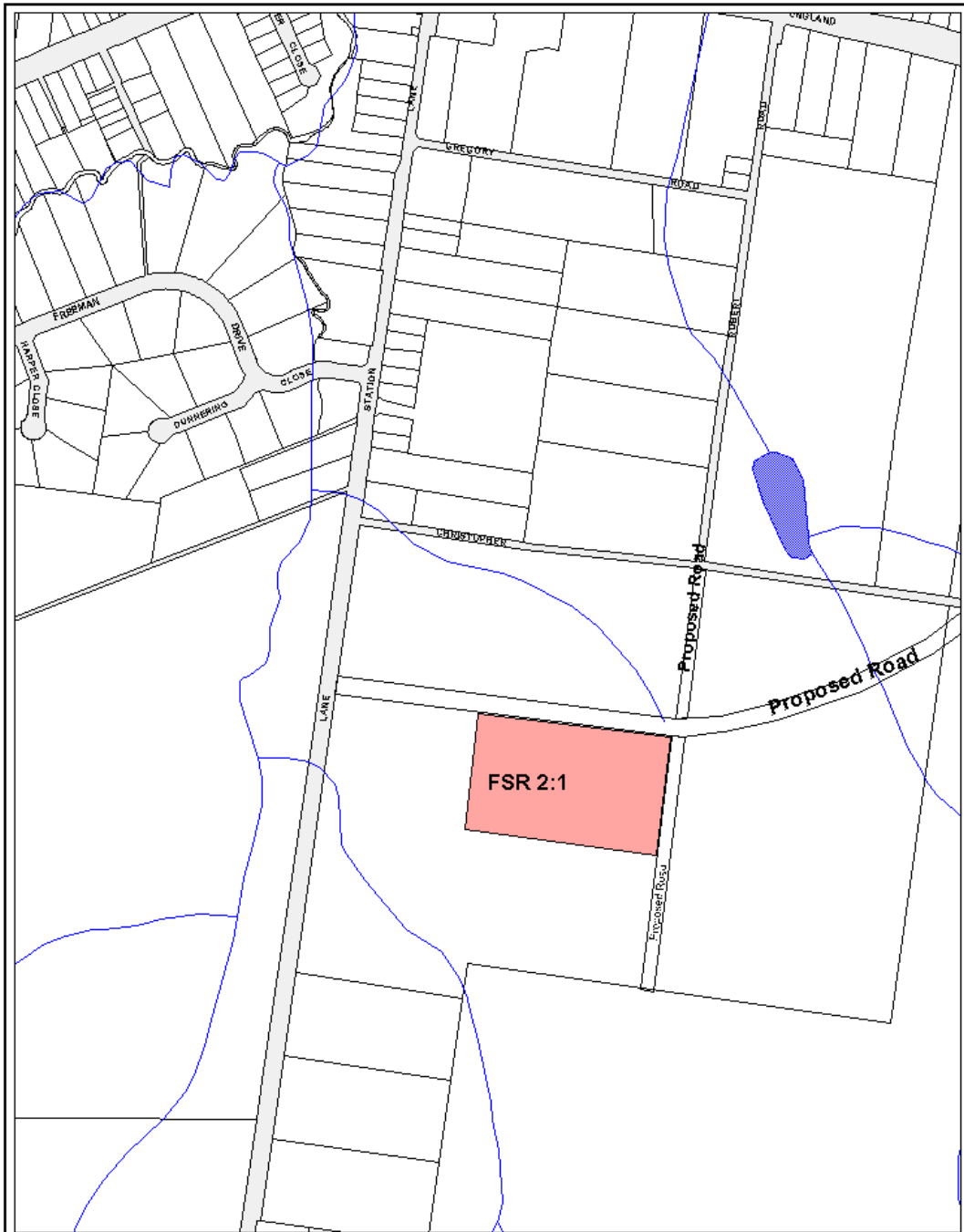
 <p><b>maitland</b> city council</p>	<p>Scale 1 : 000          Printing Date: January 2016          © Maitland City Council 2016          © LPI 03/03/1997</p>	 <p><b>NORTH</b></p>	<p><b>EXISTING MINIMUM          LOT SIZE MAP</b></p> <p><small>This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change over a limited time. It is the responsibility of the user to make their own decisions about the correctness of information found. The Council cannot warrant and does not represent that the advice can be relied upon completely. The Council also cannot accept any responsibility or liability for any loss, damage, cost or expense you might incur as a result of the use of or reliance upon the information. The map is for information purposes only and is not to be re-engineered, modified or used for any other purpose than for information.</small></p>
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 <p><b>maitland</b> city council</p>	<p>Scale 1 : 000          Printing Date : January 2016          © Maitland City Council 2016          © LP103/03/1997</p>	 <p><b>NORTH</b></p>	<p><b>Height of Building</b></p> <p>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. It is the responsibility of the user to make his/her own decisions about the correctness of information found. The Council cannot warrant and does not represent that the advice can be relied upon completely. The Council also cannot accept any responsibility or liability for any loss, damage, cost or expense you might incur as a result of the use of or reliance upon the information. The map is for information purposes only and is not to be re-engineered, modified or used for any other purpose than for information.</p>
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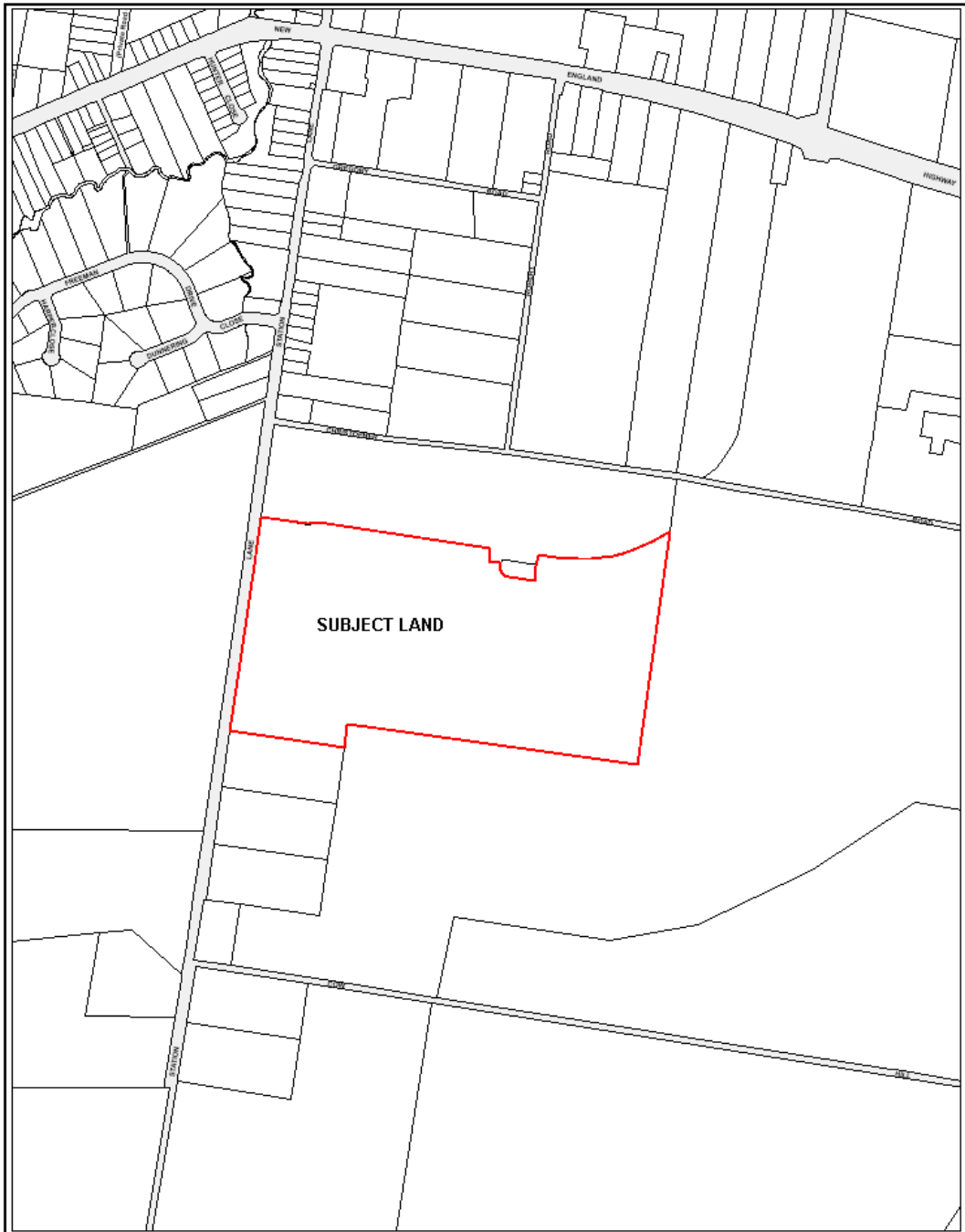




 <p><b>maitland</b> city council</p>	<p>Scale 1 : 000          Printing Date: January 2016          © Maitland City Council 2016          © LPI 03/03/1997</p>	 <p><b>NORTH</b></p>	<p><b>EXISTING HEIGHT          OF BUILDING MAP</b></p> <p><small>This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change over a limited time. It is the responsibility of the user to make their own decisions about the correctness of information found. The Council cannot warrant and does not represent that the advice can be relied upon completely. The Council also cannot accept any responsibility or liability for any loss, damage, cost or expense you might incur as a result of the use of or reliance upon the information. The map is for information purposes only and is not to be re-engineered, modified or used for any other purpose than for information.</small></p>
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 <p>maitland city council</p>	<p>Scale 1 : 000          Printing Date : January 2016          © Maitland City Council 2016          © LP103/03/1997</p>	 <p><b>NORTH</b></p>	<p><b>Floor Space Ratio</b></p> <p><small>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. It is the responsibility of the user to make his/her own decisions about the correctness of information found. The Council cannot warrant and does not represent that the advice can be relied upon completely. The Council also cannot accept any responsibility or liability for any loss, damage, cost or expense you might incur as a result of the use of or reliance upon the information. The map is for information purposes only and is not to be re-engineered, modified or used for any other purpose than for information.</small></p>
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 <p><b>maitland</b> city council</p>	<p>Scale 1 : 000          Printing Date: January 2016          © Maitland City Council 2016          © LPI 03/03/1997</p>	 <p><b>NORTH</b></p>	<p><b>EXISTING FSR MAP</b></p> <p><small>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. It is the responsibility of the user to make their own decisions about the correctness of information found. The Council cannot warrant and does not represent that the advice can be relied upon completely. The Council also cannot accept any responsibility or liability for any loss, damage, cost or expense you might incur as a result of the use of or reliance upon the information. The map is for information purposes only and is not to be re-engineered, modified or used for any other purpose than for information.</small></p>
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## **PART 5: COMMUNITY CONSULTATION**

In accordance with Section 57(2) of the *Environmental Planning and Assessment Act 1979*, community consultation must be undertaken by the local authority prior to approval of the planning proposal.

Whilst the Gateway Determination will confirm the community consultation requirements, it is likely that if this planning proposal is supported, it would be classed as a “low impact” proposal in accordance with Section 5.5.2 of “*A Guide to Preparing LEPs*” that would require exhibition for a period of not less than 14 days.

A “low impact” proposal is defined as a “planning proposal that in the opinion of the person making the Gateway determination is:

- consistent with the pattern of surrounding land use zones and/or land uses;
- consistent with the strategic planning framework;
- presents no issues with regard to infrastructure servicing;
- not a principal LEP; and
- does not reclassify public land.

In accordance with Council's adopted Citizen Engagement Strategy (2016), consultation on the proposed rezoning will be undertaken to inform and receive feedback from interested stakeholders. To engage the local community the following will be undertaken:

- a public exhibition period of 28 days;
- a notice in the Lower Hunter Star newspaper;
- exhibition material and relevant consultation documents to be made available at all Council Libraries and Council's Administration Building;
- consultation documents to be made available on Council's website; and
- notices published on Council's social media applications, for public comment.

At the close of the consultation period, Council officers will consider all submissions received and present a report to Council for its endorsement of the planning proposal before proceeding to finalisation of the amendment.

## PART 6: TIMEFRAMES

PROJECT TIMELINE	DATE
Anticipated commencement date (date of Gateway determination)	25 August 2020
Anticipated timeframe for the completion of required studies	N/a
Timeframe for government agency consultation (pre and post exhibition as required by Gateway Determination) (21 days)	N/a
Commencement and completion dates for public exhibition period	October 2020 – November 2020
Dates for public hearing (if required)	N/a
Timeframe for consideration of submissions	November 2020
Timeframe for the consideration of a proposal post exhibition	December 2020 January 2020
Anticipated date RPA will forward the plan to the department to be made (if not delegated)	N/a
Anticipated date RPA will make the plan (if delegated)	February 2021
Anticipated date RPA will forward to the department for notification (if delegated)	March 2021

