
AMENDMENT TO MAITLAND LEP 2011 - PLANNING PROPOSAL FOR LOCHINVAR NEIGHBOURHOOD CENTRE (Cont.)

11.4 AMENDMENT TO MAITLAND LEP 2011 - PLANNING PROPOSAL FOR LOCHINVAR NEIGHBOURHOOD CENTRE

FILE NO:	RZ 19004
ATTACHMENTS:	<ol style="list-style-type: none"> 1. Locality Plan 2. Lochinvar Structure Plan 3. Indicative location for the proposed town centre 4. Draft Planning Proposal
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MAITLAND +10	Outcome 12. Our growing economy
COUNCIL OBJECTIVE:	12.4.1 To develop a holistic understanding of the availability and suitability of commercial sites within the City and the preferred nature of development

EXECUTIVE SUMMARY

The purpose of this report is to:

- *Provide a summary of the planning proposal for the rezoning of land from R1 Residential to B2 Town Centre within the Lochinvar urban release area for submission to the Department of Planning, Industry and Environment as an amendment to the Maitland LEP 2011; and*
- *Provide a summary of the background and policy context relevant to the inclusion of a new town centre within the proposed location of the Lochinvar urban release area.*

The Lochinvar Structure Plan was adopted by Council in 2007. 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 town centre. The need for a new centre to support significant residential development was also identified as a key part of the vision guiding the future development of the Lochinvar urban release area.

On 25 November 2008, Council resolved to proceed with the rezoning of land within the area covered by the Lochinvar Structure Plan. On 21 October 2011 an amendment to the Maitland Local Environmental Plan 1993 was made providing for a predominantly urban area of approximately 5000 lots. The Lochinvar Area Plan 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. Within the Lochinvar Area Plan, the provision of a future town centre

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is identified as a 'Key Development Site' requiring detailed urban design controls.

The proposal currently before the Council will enable the rezoning of land within the Lochinvar urban release area to B2 - Town Centre under an amendment to the Maitland LEP 2011. Rezoning of this land continues the timely progression of the Lochinvar urban release area and builds on the substantial work and planning that has taken place in the release area.

At the Meeting of 22 October 2019, Council approved a Development Application (DA 18-456) for subdivision of land at Lot 310 DP 1034974, 44 Christopher Road Lochinvar. This included the land the subject to this Planning Proposal (PP), which is to be created as a super lot for the purposes of the future town centre. This PP provides the mechanism for rezoning land for this purpose.

The provision of a town centre in the identified location will provide a range of convenience retail activities to cater for the 'everyday' needs to support the new residential community of Lochinvar. It also proposes to accommodate a community facility and associated open space, commercial uses, associated 'at-grade' car parking, landscaping and servicing such as roads and loading areas and provide a place for the new residents to forge a strong identity with and be a community focal point. A locality plan is appended to this report as Attachment 1.

The planning proposal outlines the objectives and justifications for making the amendment in line with state, regional and local strategies. The planning proposal also considers the relevant economic, social and environmental benefits and impacts of the development to ensure a sustainable outcome for the community is achieved.

OFFICER'S RECOMMENDATION

THAT

- 1. In accordance with section 55 of the Environmental Planning and Assessment Act 1979, Council submit a planning proposal to the Department of Planning for a gateway determination for the purpose of a new town centre within the Lochinvar urban release area.**
- 2. A further report be presented to Council following the public exhibition period, to demonstrate compliance with the gateway determination and provide details of any submissions received throughout that process.**

REPORT

BACKGROUND

Lochinvar Structure Plan

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 a commercial precinct in the central sector of the Urban Release Area (URA). 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 proposed an area of 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 cycleway 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. The Lochinvar Structure Plan is appended to this report as Attachment 2.

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)

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 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 DoP&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 could 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

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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 of identifying a commercial area as part of the initial LEP amendment, the exact siting of the future town centre zone boundaries would most likely include incorrect land. This would result 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 a 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

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- 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 – Town 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 accessible convenience retail activities and community facilities to cater for their 'everyday' needs.

Lochinvar Area Plan 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 to:

- 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.

Maitland Centres Strategy Review 2016

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The Maitland Centres Study Review 2016 was a review of the earlier 2009 Maitland Centres Study. The 2016 review addressed growth patterns and retail floor space across the Maitland LGA, with a specific analysis of the Largs and Chisholm neighbourhood centres informing the key recommendations.

The methodology undertaken in the 2016 review included a desk top approach to assess increases in retail floor space over the 2009 – 2016 period, whereas the 2009 study incorporated a full floor space survey.

The 2016 review uses household projections based on historical demand for dwellings sourced from the Bureau of Transport Statistics (BTS), whereas the 2009 study used household projections based on residential capacity from existing residential land and new land release areas as outlined in the MUSS to 2031.

The main influence on demand for retail floor space is population growth. The 2016 review identifies a difference in population projections for the western sector from that provided in the 2009 study, resulting in a reduced retail floor space outcome. The 2016 review puts household numbers for 2031 at 11,419 for the western sector (based on BTS data), whereas the 2009 study projects household numbers of 19,788 by 2031 (residential land capacity). Consequently, the resulting demand for retail floor space for 2031 is reduced from 132,908sqm (2009 Study) to 79,404sqm (2016 Review) for the western sector.

The 2016 review projects an increase in demand for retail floor space for the eastern sector by 17,097sqm resulting from an increase in population based on demand for housing at 2016 sourced from the BTS. From 2016 to 2019 there has been a shift in residential development activity from the eastern sector to the western sector. This data was not available for the 2016 review as the development of the area had not begun. The development of the western sector is now progressing through the Lochinvar URA, Farley URA, smaller urban areas such as Windella and west Rutherford and the imminent rezoning of the Anambah URA.

Recommendations of the 2016 Centres Study Review suggest the existing and emerging centre hierarchy outlined in the 2009 Centres Study remain broadly relevant as do the recommendations for supportive retail floor space. Whether the upper or lower range is supportable will depend on the future distribution of population growth.

With land zoned for urban purposes at Lochinvar, Farley, Windella, and west Rutherford currently in the process of producing residential lots to an end population of approximately 17,000 people, and the imminent rezoning of the Anambah URA providing an additional 8,000 people, the shift in residential demand from east to west is gaining momentum. The planning process to establish the required level of commercial floor space in this sector needs to occur now to provide a functional, sustainable and accessible urban land use pattern within the developing urban fabric at Lochinvar.

Planning Proposal

The planning proposal has been prepared to allow for the rezoning of land within the Lochinvar urban release area to create a new town centre, which has previously been identified in the Lochinvar Structure Plan, Activity Centres and Employment Clusters Strategy, Lochinvar Area Plan and S.94 Contributions Plan to support the growing residential population in this area of the Maitland LGA.

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This amendment will enable the rezoning of land within the Lochinvar urban release area from R1- Residential to B2 -Town Centre under the Maitland LEP 2011. Rezoning of the land continues the timely progression of the Lochinvar urban release area and builds on the substantial work and planning undertaken to date.

Part 6 of the Maitland LEP 2011 outlines the statutory process for urban release areas. In particular, clause 6.3 aims *“to ensure that development on such land occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan including specific controls has been prepared for the land”*. The staging of the Lochinvar urban release area has been established through the Lochinvar Area Plan, with detailed development controls and the identification of this key development site for a new town centre.

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 ACECS; and ensures the development of a sustainable community.

The proposed subject site is approximately 3.2ha in area, excluding an allotment for the community facility (1200m²) and a local playground (0.5ha), and adjoins a drainage line to the west and the proposed internal “ring road” being a distributor road to the north. It is proposed that the town centre will accommodate a variety of retail and commercial uses, associated ‘at-grade’ car parking, landscaping and servicing such as roads and loading areas. Attachment 3 provides an indicative location for the proposed town centre.

The benefits of this proposed new town centre for the Lochinvar area 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 Lochinvar neighbourhood centre; and
- 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-deigned and well-connected local 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 the proposed facilities, such as restaurant and cafes provide out of hours activity and a more vibrant centre.

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Attachment 4 provides the draft planning proposal which has been prepared to submit to the Department of Planning for their consideration through the 'gateway' process.

Next Steps

If supported by Council, a planning proposal will be submitted to the Department of Planning and Environment for gateway approval to proceed with the LEP amendment. If approval for this amendment is obtained Council will prepare a draft LEP and will consult with relevant government department, agencies, infrastructure providers and the public.

Council officers will consider the submissions received on the draft and a report will be presented to Council for their final approval to request the Minister to make the instrument which will result in a rezoning of land to a B2 – Town Centre zone under the Maitland LEP 2011.

CONCLUSION

The provision of the identified town centre in this location will provide a range of convenience retail activities to cater for the 'everyday' needs of the growing residential neighbourhood of Lochinvar and to provide a community focal point.

The preparation of a planning proposal for submission to the Department of Planning as an amendment to the Maitland LEP 2011 is the next stage of rezoning for the Lochinvar urban release area. This is critical to implementing the aims of the Lochinvar Structure Plan and ensure the sustainable development of this urban release area in a time frame consistent with the release and growth of residential land in this locality.

FINANCIAL IMPLICATIONS

This matter is to progress the rezoning of land within the Lochinvar urban release area to B2 – Town Centre and therefore has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

The site to which this planning proposal refers has been identified as a key site within Council's adopted Lochinvar Area Plan and therefore has no specific policy implications for Council.

STATUTORY IMPLICATIONS

There are no statutory implications under the Local Government Act 1993 with this matter. This rezoning is progressing in line with legislative requirements of the Environmental Planning and Assessment Act 1979, associated regulations and the guidelines for gateway approvals.

Planning and Environment

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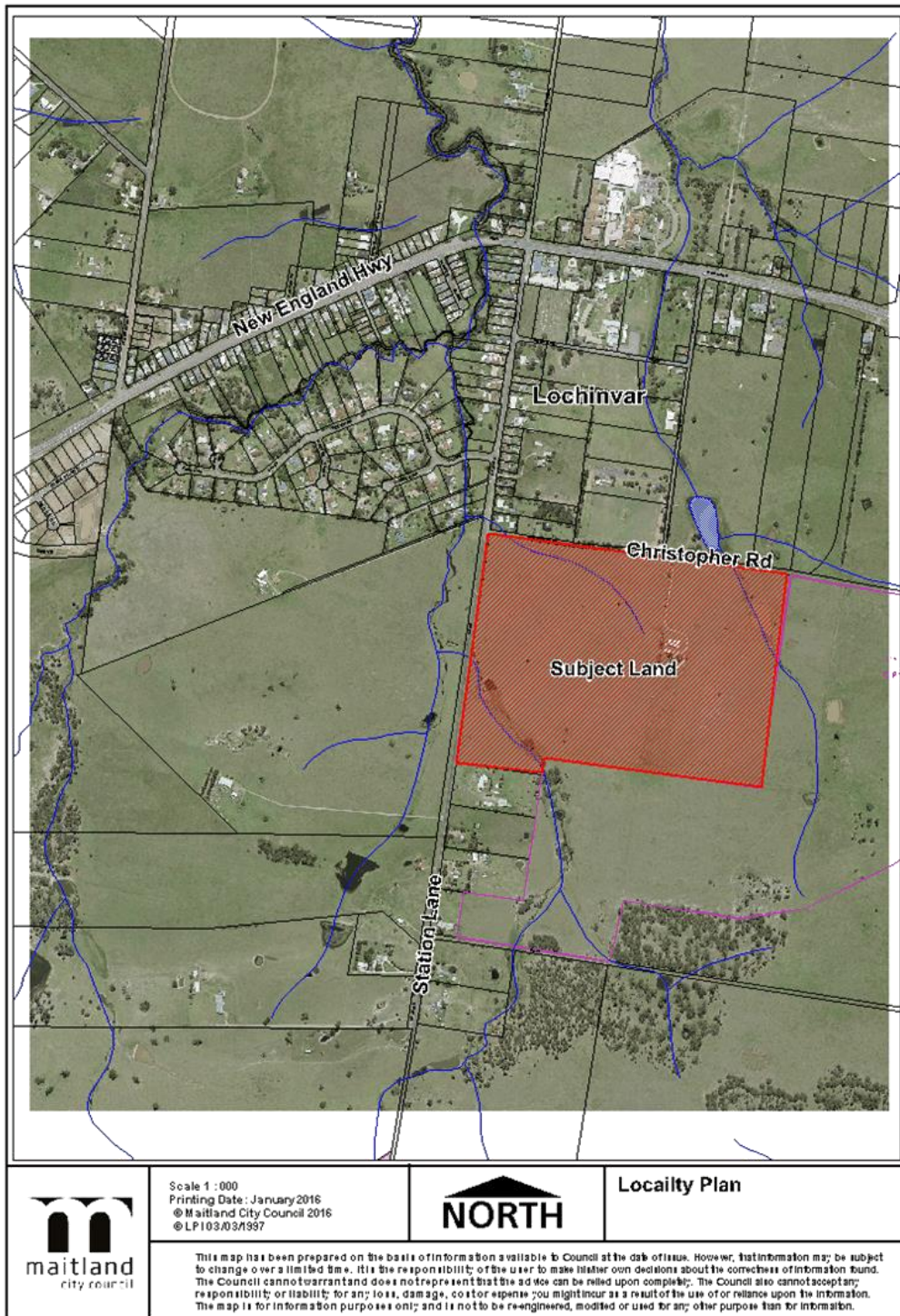
Locality Plan

Meeting Date: 12 November 2019

Attachment No: 1

Number of Pages: 1

AMENDMENT TO MAITLAND LEP 2011 - PLANNING PROPOSAL FOR LOCHINVAR NEIGHBOURHOOD CENTRE
(Cont.)



Planning and Environment

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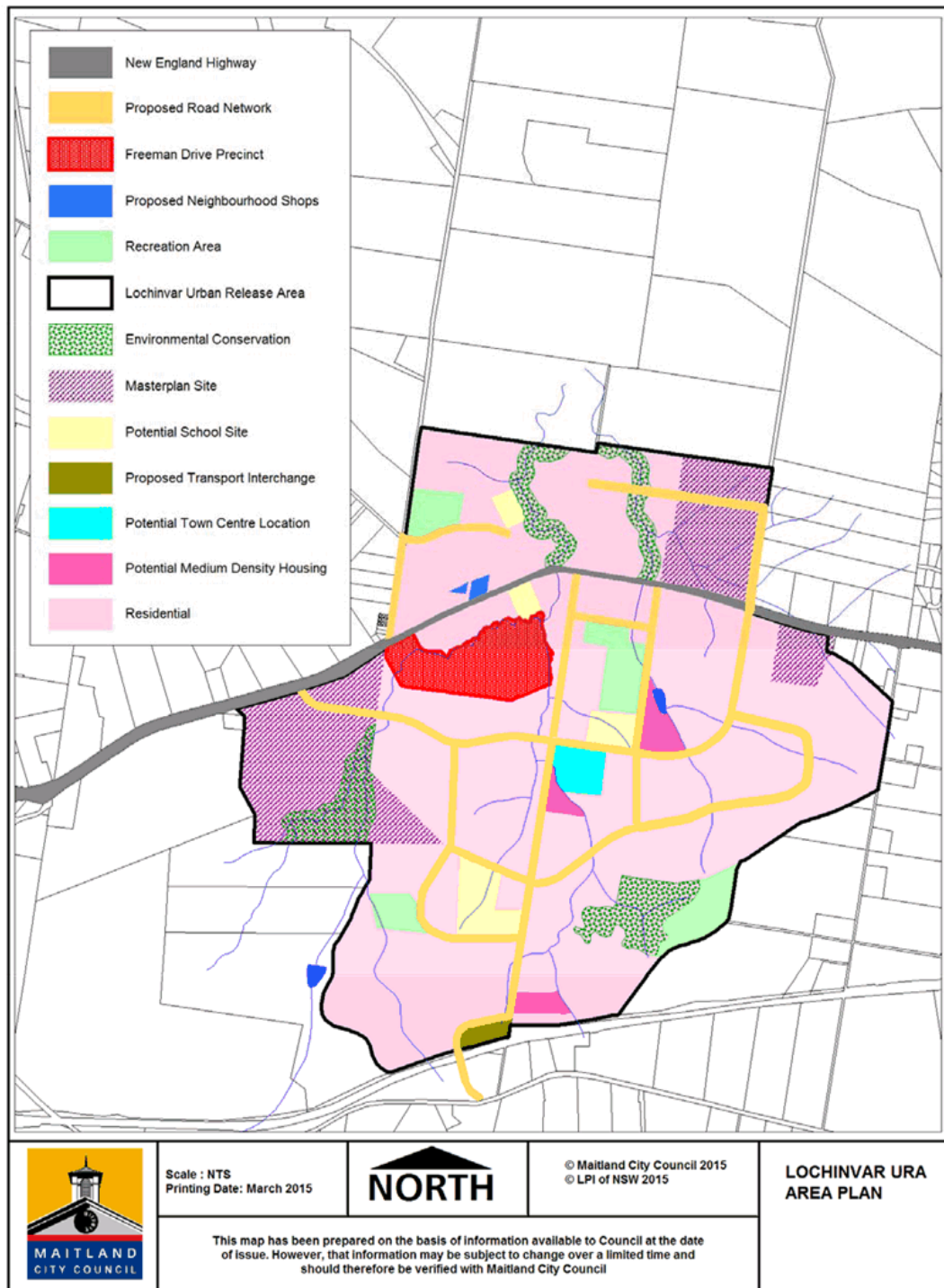
Lochinvar Structure Plan

Meeting Date: 12 November 2019

Attachment No: 2

Number of Pages: 1

AMENDMENT TO MAITLAND LEP 2011 - PLANNING PROPOSAL FOR LOCHINVAR NEIGHBOURHOOD CENTRE
(Cont.)



Planning and Environment

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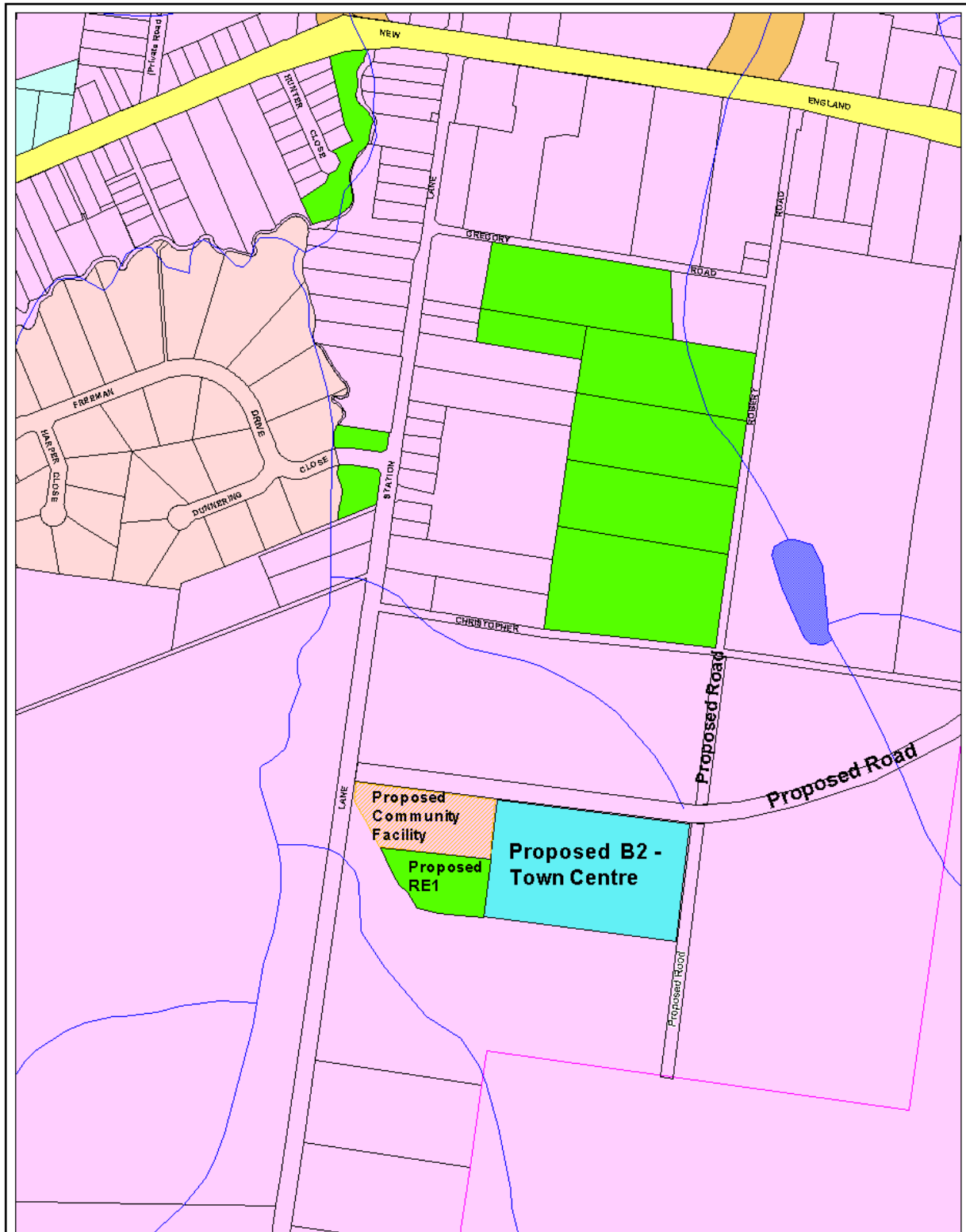
Indicative location for the proposed town centre

Meeting Date: 12 November 2019

Attachment No: 3

Number of Pages: 1

AMENDMENT TO MAITLAND LEP 2011 - PLANNING PROPOSAL FOR LOCHINVAR NEIGHBOURHOOD CENTRE
(Cont.)



Scale 1: 000
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**Locational Context Of
 Lochinvar Town Centre**

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Planning and Environment

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Draft Planning Proposal

Meeting Date: 12 November 2019

Attachment No: 4

Number of Pages: 24