ORDINARY COUNCIL MEETING 23 FEBRUARY 2016

CCL 23/02/16 133-133 CROUDACE ROAD ELERMORE VALE - ENDORSEMENT OF PROPOSED AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

Attachment A: Planning Proposal - Land Adjoining Elermore Vale

Shopping Centre - Rezoning from R2 Low Density

Residential to B2 Local Centre

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Land Adjoining Elermore Vale Shopping Centre - Rezoning from R2 Low Density Residential to B2 Local Centre

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Land Adjoining Elermore Vale Shopping Centre

Summary of Proposal

Proposal	Land Adjoining Elermore Vale Shopping Centre Rezoning from R2 Low Density Residential to B2 Local Centre.							
Property Details	131-133 Croudace Road, Elermore Vale	Lot A and B, DP 412510						
Applicant Details	De Witt Consulting							

Background

Council has received a request to amend Newcastle LEP 2012 in order to rezone Lot A and Lot B, DP 412510, Croudace Road from R2 Low Density Residential to B2 Local Centre.

The rezoning is to provide additional commercial space to service the predicted population growth of Elermore Vale as identified by the Local Planning Strategy (2015).

Site

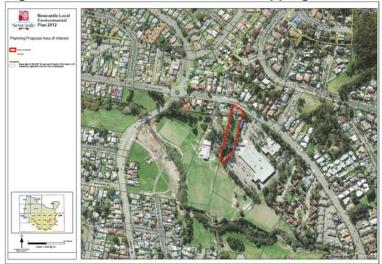
The proposal consists of land at Lots A and B in DP 412510. The site has a long narrow configuration, each with a 16.14m frontage to Croudace Road. The lots are oriented north/south, have a combined area of 4,382m² and the topography has a fall from Croudace Road to the rear of approximately 8m. The lots are currently occupied by single dwellings and associated structures close to Croudace Road. Lot A contains a number of trees located towards the rear.

The site adjoins Elermore Vale shopping centre immediately to the east. This site is zoned B2 Local Centre, includes a single storey building with a floor space of 3,878m² that provides retail and commercial services for local residents on a 1.95ha site.

The adjoining site to the west is zoned part R2 Low Density Residential and part RE2 Public Recreation and is owned by Council. The land is occupied by a child care centre, a community hall and clubhouse. A DA for a 19m x 20m men's shed, retaining walls and boundary fencing was lodged with Council on 14 August 2015. This DA is currently undetermined.

Land further to the west and on the opposite side of Croudace Road is zoned R2 Low Density Residential. A number of town house developments have been approved in recent years.

Figure 1 - Aerial Photo - Elermore Shopping Centre



Part 1 - Objectives or Intended Outcomes

The intent of the planning proposal is to enable development of the subject land for commercial purposes.

Part 2 – Explanation of Provisions

The proposed outcomes can be achieved by:

- Amending the Newcastle LEP 2012 Land Zoning (LZN) map to rezone the land from R2 Low Density Residential to B2 Local Centre.
- Amending the Height of Buildings (HOB) map by imposing a maximum permitted building height of 11m where the HOB control is currently 8.5m.
- Amending the Floor Space Ratio (FSR) map by imposing a floor space ratio on the subject land of 1.5:1 where there is currently a FSR control of 0.75:1.
- Amending the Minimum Lot Size (LSZ) map for the subject land from 450m² to have no minimum lot size.

Part 3 – Justification

Section A - Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

No. The proposal has been initiated by the land owner.

The proposal will enable expansion of the existing B2 Local Centre site. Enabling the land to be developed for commercial purposes will assist in delivering better economies of scale and contribute to better social and economic outcomes for the local neighbourhood.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Rezoning of the land is the best means to achieve the intended outcomes. A Planning Proposal is the only way to formally amend the zoning to enable the land to be developed for commercial purposes.

Two alternate options have been considered to achieve a similar outcome. These include:

- a) Maintaining the current zoning and identifying additional land uses for the site under Schedule 1. This is not considered appropriate or consistent with the Department of Planning and Environments Draft Practice Note - use of schedule 1 of the LEP -Additional Permitted Uses in the Standard Instrument, issued in September 2012; and
- b) Utilising provisions of clause 5.3 of the Newcastle LEP 2012 (Development near zone boundaries) to develop the subject land for commercial purposes. This clause allows for development within a distance of 20m of the adjoining zone. The site adjoins the R2 Low Density Residential, B2 Local Centre zone and part RE2 Public Recreation zone, however the distance is insufficient to allow the extension of these provisions to the subject land in its entirety.

Amendment to the zone and associated development standards over the subject land is considered the most appropriate means of achieving the objectives.

Section B - Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Lower Hunter Regional Strategy (2006)

The Lower Hunter Regional Strategy applies to the land. The aim of this Strategy is to ensure that adequate land is available to accommodate the projected housing and employment growth in the Hunter Region over the next 25 years. This planning proposal is consistent with this aim, as it will contribute to generating additional employment opportunities.

Elermore Vale is a local centre which provides goods and services to the surrounding community. This local centre is not specifically referenced in the Lower Hunter Regional Strategy. The proposed rezoning will allow the same range of commercial uses on the site as the adjoining local centre. It will enable increased exposure of the centre to Croudace Road and allow the centre to be developed to its commercial potential. This will enhance the ongoing viability and diversity of the centre and allow an improved connection with the surrounding residential area while not affecting the existing hierarchy of centres.

Draft Hunter Regional Plan

The Draft Hunter Regional Plan (DHRP) states that retailing is one of the largest employment sectors in the region and a key feature of the region's centres. In 2014, 10.2 per cent of the Hunter workforce was employed in retail. The DHRP makes the following statements:

- Planning for retail space needs to recognise the current supply of space, and the demand for new space to meet community needs into the future. Retail is also a significant employer and generator of demand for travel.
- Planning for local centres will consider how they can accommodate more retail growth. In areas where there are no opportunities for existing centres to grow, local planning will need to consider where new retail space can be developed. Planning of local centres, including new centres, should prioritise the creation of mix-used hubs, with high quality public areas, walking connections, and good transport connections.
- Direction 2.2 of the DHRP states to *Grow and connect service-based industries to support regional communities and provide a competitive edge for businesses.*
- Direction 4.2.5 of the DHRP states to Support retail growth in centres to promote vibrant, liveable communities.

The proposed rezoning will strengthen an existing retail precinct and enable serviced based industries to grow. Rezoning forms a logical extension to the existing commercial centre and will enable increased exposure of the commercial centre to Croudace Road. The character of the area in the vicinity of the shopping centre is changing, with a number of town house developments having been approved in recent years. This in turn is likely to lead to an increased local demand for goods and services. The proposed rezoning will enhance the existing retail premises and enable retail to grow and to promote vibrant, liveable communities.

It is noted that the draft Hunter Regional Plan does not contain the same emphasis on maintaining a 'centre hierarchy' as the current Lower Hunter Regional Strategy.

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

Newcastle Community Strategic Plan 2030

Council adopted the Newcastle 2030 Community Strategic Plan in February 2011, as revised in 2013. The planning proposal primarily aligns to the strategic direction 'Open and Collaborative Leadership' identified within this Plan.

The proposal is consistent with the vision and directions of the Newcastle Community Strategic Plan, in particular the Planning Proposal is consistent with the Strategic Direction for Newcastle to be a Smart and Innovative City. Redevelopment of the site will enable a diverse and vibrant community hub, providing for a range of commercial uses to be integrated with community uses consistent with objective 6.3 *A thriving city that attracts people to live, work, invest and visit.* One of the measures of our progress towards a Smart and Innovative City is economic growth through commercial developments.

Local Planning Strategy (2015)

The Local Planning Strategy identifies Elermore Vale as a residential suburb with a commercial area (land adjoining the site) with the population forecast to grow by an additional 1400 people by 2031. An objective of the Local Planning Strategy is to encourage a diversity of land uses in and around the Elermore Vale commercial area. The Planning Proposal is consistent with this objective. The B2 Local Centre zone allows dwelling houses and shop top housing.

It is not anticipated that the scale of this rezoning is large enough to elevate the status of the centre in terms of the existing hierarchy of centres, nor have any significant impact on the economic viability of neighbouring centres.

Newcastle Employment Lands Strategy

Elermore Vale is classed as a Local Centre providing convenient access to retail and commercial services for local residents pursuant to Newcastle City Council's Employment Land Strategy. In relation to local centres, the strategy states that:

"to cater to the needs of local residents, a diversity of land uses in and around the commercial centre should be promoted."

The strategy further sets out the following general principle for Commercial Core, Neighbourhood and Local Centres which is relevant to the current proposal:

"Support the development of retail (in keeping with the draft Activity Centres Policy released by DPI) through the zoning of suitable land within and adjacent to neighbourhood and local centres."

The proposed rezoning from R2 Low Density Residential to B2 Local Centre is consistent with this general principle. Rezoning forms a logical extension to the existing commercial centre and allows increased exposure to Croudace Road. The site is buffered from the adjoining residential land to the west. These lands are occupied by a child care centre, a community hall and clubhouse to the rear. It is not anticipated that the rezoning will either change the status of Elermore Vale as a local centre or impact on the viability of larger neighbouring centres.

Newcastle Economic Development Strategy

The Newcastle Economic Development Strategy supports the growth of local precincts such as Elermore Vale commercial centre and recognises the important role these centres have in the economic fabric of Newcastle. The Strategy recognises the role of the retail sector in Newcastle's economy and acknowledges that retail trade is a strategic sector that will accommodate employment growth in the order of 4,872 jobs in the outer suburbs of Newcastle LGA in the period to 2031. The Strategy recognises that centres now provide a diverse range of retail, food and drink and entertainment offerings to cater to market demands.

Theme 3 of the strategy aims to:

- Revitalise local precincts through support of existing businesses and industries;
- Facilitate the generation of new sustainable job opportunities; and
- Maintain major regional industries that are linked to national and international markets.

The Planning Proposal meets these aims by:

- Providing for the future growth of a centre that services the local population;
- Assisting in the redevelopment and revitalisation of the Elermore Vale local precinct;
- Facilitating the expansion of Elermore Vale commercial centre. This will provide opportunities for business growth and employment at the local level. The proposal will assist in the creation of job opportunities; and
- Improving the range and quality of local services and facilities. The proposal would not affect the viability of the city centre or regional scale centres.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Consistency (of the planning proposal) with State Environmental Planning Policies is outlined in the table below.

Table 1 - Consideration of State Environmental Planning Policies

Name of SEPP	Applicable	Consistency
SEPP No 1 (Development Standards)	N/A	Not applicable.
SEPP No 14 (Coastal Wetlands)	N/A	There are no SEPP 14 Wetlands within the site subject to the Planning Proposal.
SEPP No 15 (Rural Landsharing Communities)	N/A	Not applicable.
SEPP No 19 (Bushland in Urban Areas)	N/A	Not applicable.
SEPP No 21 (Caravan Parks)	N/A	Not applicable.
SEPP No 26 (Littoral Rainforests)	N/A	Not applicable.
SEPP No 29 (Western Sydney Recreation Area)	N/A	Not applicable.

Name of SEPP	Applicable	Consistency
SEPP No 30 (Intensive Agriculture)	N/A	Not applicable.
SEPP No 32 (Urban Consolidation)	N/A	Not applicable.
SEPP No 33 (Hazardous and Offensive Development)	N/A	Not applicable.
SEPP No 36 (Manufactured Home Estates)	N/A	Not applicable
SEPP No 39 (Spit Island Bird Habitat)	N/A	Not applicable.
SEPP No 44 (Koala Habitat Protection)	N/A	Not applicable
SEPP No 47 (Moore Park Showground)	N/A	Not applicable.
SEPP No 50 (Canal Estate Development)	N/A	Not applicable
SEPP No 52 (Farm Dams and Other Works in Land and Water Management	N/A	Not applicable.
Plan Areas)		
SEPP No 55 (Remediation of Land)	N/A	Not applicable.
SEPP No 59 (Central Western Sydney Economic and Employment Area)	N/A	Not applicable.
SEPP No 62 (Sustainable Aquaculture)	N/A	Not applicable.
SEPP No 64 (Advertising and Signage)	No	The Planning Proposal will not affect the application of the SEPP.
SEPP No 65 (Design Quality of Residential Flat Development)	N/A	Not applicable.
SEPP No 70 Affordable Housing (Revised Schemes)	N/A	The Planning Proposal will not affect the application of the SEPP.
SEPP No 71 (Coastal Protection)	N/A	Not applicable.
SEPP (Affordable Rental Housing) 2009	No	The Planning Proposal will not affect the application of the SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	No	The Planning Proposal will not affect the application of the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Yes	The Planning Proposal will not affect the application of the SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	No	The Planning Proposal will not affect the application of the SEPP.
SEPP (Infrastructure) 2007	Yes	The Planning Proposal will not affect the application of the SEPP.
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	N/A	Not applicable.
SEPP (Major Development) 2005	N/A	Not applicable.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	Not applicable.
SEPP (Rural Lands) 2008	N/A	Not applicable.
SEPP (State and Regional Development) 2011	N/A	Not applicable.
SEPP (Sydney Region Growth Centres) 2006	N/A	Not applicable.
SEPP (Three Ports) 2013	N/A	Not applicable.
SEPP (Urban Renewal) 2010	N/A	Not applicable.
SEPP (Western Sydney Employment Area) 2009	N/A	Not applicable.
SEPP (Western Sydney Parklands) 2009	N/A	Not applicable.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Consistency (of the planning proposal) with applicable s117 Ministerial Directions is outlined in the table below.

Table 2 - Consideration of Section 117 Directions

S117 Direction	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	Yes	The Planning Proposal will add commercially zoned land to the existing Local Centre.
1.2 Rural Zones	No	The Planning Proposal does not affect land currently or proposed to be used for agricultural production.
1.3 Mining, Petroleum Production and Extractive Industries	No	The Planning Proposal does not seek to prohibit resource extraction.
1.4 Oyster Aquaculture	No	Not relevant.
1.5 Rural Lands	No	Not relevant.
2. Environment and Heritage		
2.1 Environment Protection Zones	No	The Planning Proposal does not amend an existing environmental protection zone.
2.2 Coastal Protection	No	The site is not located in the coastal zone.
2.3 Heritage Conservation	No	No heritage conservation items have been identified on or adjoining the site.
		The Planning Proposal will not affect existing heritage conservation provisions in Newcastle LEP 2012 that apply to the site.
2.4 Recreation Vehicle Areas	No	The Planning Proposal does not propose to introduce a Recreation Vehicle Area.
3. Housing, Infrastructure and Urban De	velopment	
3.1 Residential Zones	Yes	The Planning Proposal proposes to rezone existing residential land to B2 Local Centre. Residential development will still be permissible in the zone in the form of dwelling houses and shop top housing.
3.2 Caravan Parks and Manufactured Home Estates	No	Not relevant.
3.3 Home Occupations	No	The Planning Proposal does not affect provisions for home occupations that are otherwise contained in Newcastle LEP 2012 or the Codes SEPP.
3.4 Integrating Land Use and Transport	Yes	The site is located close to existing services and infrastructure and adjoins an existing local centre. The rezoning will increase the exposure of the centre to a main road, thereby enhancing its viability and ensuring efficient use of existing infrastructure.
3.5 Development Near Licensed Aerodromes	No	The Planning Proposal does not affect land in the vicinity of a licensed aerodrome.

S117 Direction	Applicable	Consistent
3.6 Shooting Ranges	No	Not relevant.
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	Future development may require an Acid sulfate soils management plan.
4.2 Mine Subsidence and Unstable Land	Yes	The Planning Proposal is on land identified as subject to mine subsidence. The Mine Subsidence Board will be notified.
4.3 Flood Prone Land	No	Site does not appear to be affected by significant flooding issues.
4.4 Planning for Bushfire Protection	No	The site is not affected by bushfire prone land.
5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	The site is located in an existing urban area as set out in the Lower Hunter Regional Strategy. The proposed rezoning will reinforce the existing hierarchy of centres and improve access to shopping, employment and other services. The ongoing viability and diversity of the centre will be enhanced without impacting on neighbouring centres. The proposal is also consistent with the relevant goals and directions of the draft Hunter Regional Plan.
5.2 Sydney Drinking Water Catchments	No	Not relevant.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	Not relevant.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	Not relevant.
5.8 Second Sydney Airport: Badgerys Creek	No	Not relevant.
5.9 North West Rail Link Corridor Strategy	No	Not relevant.
6. Local Plan Making		
6.1 Approval and Referral Requirements	No	The Planning Proposal does not introduce concurrence, consultation or referral provisions.
6.2 Reserving Land for Public Purposes	No	The Planning Proposal does not affect existing land reserved for a public purpose or propose new land to be reserved for a public purpose.
6.3 Site Specific Provisions	Yes	The Planning Proposal proposes a zone which already applies to the Newcastle LEP 2012. The Planning Proposal does not propose to any additional site specific controls.
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	No	Not relevant.

Section C - Environmental, social, and economic impact

7. 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?

It is unlikely that any critical habitat, threatened species or ecological communities will be adversely affected as a result of the proposal to rezone the land from R2 Low Density Residential to B2 Local Centre.

Both properties subject to the Planning Proposal are located in an established urban area and are currently occupied by single dwellings and associated structures. The adjoining RE1 land to the south accommodates sportsfields and sporting related infrastructure. The ecological value of the site is limited. The site is predominately cleared except a number of trees located at the rear of the site. These trees are isolated and are unlikely to provide significant habitat or connectivity to the other areas of natural habitat. No trees are proposed to be removed as part of this Planning Proposal.

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

Bushfire Prone Land

The site is not mapped as bushfire prone land under the Newcastle LGA Bushfire Prone Land Map 2009 or under the draft Bushfire Prone Land Map 2014.

Flooding

The site is not mapped as flood prone land under the Newcastle City Wide Floodplain Risk Management Strategy and Plan. Future development associated with the proposed commercial zoning and amended development provisions is unlikely to increase flood risk to any other property.

Heritage

There are no known Aboriginal or non-Aboriginal heritage sites located on or near the site. Future development is unlikely to have any impact on heritage.

Noise

The site is relatively isolated from existing residences. It is not anticipated that its future use for commercial purposes would result in unacceptable noise impacts in the locality. Potential noise impacts on the adjacent child care centre will need to be considered at the development application stage.

Stormwater

Stormwater management will be addressed at the development application stage. No issues have been identified for the Planning Proposal.

Traffic and Transport

Rezoning from residential to commercial is likely to change the volume, frequency and nature of the traffic flow in the area.

The site has a 32m frontage to Croudace Road (north) and a common side boundary to the existing shopping centre, allowing for a number of access options depending on future development. Amalgamation of the site within the commercial centre will enable future provision of public transport facilities within the Croudace Road frontage and improve traffic safety and accessibility.

Detailed traffic assessment and management options will be determined at the development application stage.

Mine Subsidence

The site is located within a Mine Subsidence area. The proposal will be referred to the Mine Subsidence Board for concurrence following the Gateway Determination.

9. Has the planning proposal adequately addressed any social and economic effects?

Rezoning the site is expected to have a number of positive social and economic impacts including the following:

- The proposal has the potential to form a logical extension to the existing commercial centre on Croudace Road, creating a town centre development that encompasses commercial and community uses, to become a hub for the local community and to provide future employment opportunities.
- The proposal has the potential to improve connectivity between the commercial centre and the adjoining community and recreation land uses.
- The proposal has the potential to improve safety and security in this area which currently
 experiences crime and other inappropriate activity. The proposal will promote active
 frontages to the playing fields by locating cafes, restaurants and other active uses
 adjacent to the rear and western boundaries.
- The B2 Local Centre zone allows for a range of land uses including residential, which would contribute to the range of housing options available in Elermore Vale.
- Amalgamating the site with the commercial centre has the potential to improve public transport facilities and improve traffic safety and accessibility.

Section D - State and Commonwealth interests

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

The site is located in an established urban area and is therefore able to connect into existing infrastructure services such as utilities, transport and communications in an efficient and sustainable manner. Any augmentation will be considered at the owners expense.

It is noted that that there is an electrical easement across the site subject to the rezoning and also a stormwater drainage easement at the back of the site. These will be addressed in future plans.

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

No other State and Commonwealth public authorities have been consulted at this stage but will be carried out in accordance with the requirements of the gateway determination. It is envisaged that Council will consult with the Mine Subsidence Board, Hunter Water, Roads and Maritime Services and any other agencies prescribed by the Gateway Determination.

Part 4 - Mapping

The planning proposal seeks to amend the following maps within Newcastle LEP 2012.

Land Zoning Map (LZN_002C)
 Height of Buildings Map (HOB_002C)
 Floor Space Ratio Map (FSR_002C)
 Minimum Lot Size Map (LSZ_002C)

The Matrix below indicates (with an "X"), which map sheets (of Newcastle LEP 2012) are to be amended as a result of this planning proposal.

	FSR	LAP	LZN	WRA	ASS	HOB	LSZ	LRA	CL1	HER	URA
001											
001A											
001B											
001C											
001D											
002											
002A											
002B											
002C	X		X			X	X				
002D											
002E											
002F											
002G											
002H											
003											
004		 									
004A											
004B											
004C											
004D											
004E											
004F											
004FA											
004G											
004H											
0041											
004J											
004K											

Map Codes:	FSR	=	Floor Space Ratio map
•	LAP	=	Land Application Map
	LZN	=	Land Zoning Map
	WRA	=	Wickham Redevelopment Area Map
	ASS	=	Acid Sulfate Soils Map
	HOB	=	Height of Buildings Map
	LSZ	=	Lot Size Map
	LRA	=	Land Reservation Acquisition Map
	CL1	=	Key Sites Map & Newcastle City Centre Map
	HER	=	Heritage Map
	URA	=	Urban Release Area Map

The following maps illustrate the proposed amendments to the Newcastle LEP 2012 maps:

Figure 2: Existing Land Zoning Map



Figure 3: Proposed Land Zoning Map



Figure 4: Existing Height of Buildings Map



Figure 5: Proposed Height of Buildings Map



Figure 6: Existing Floor Space Ratio Map



Figure 7: Proposed Floor Space Ratio Map



Figure 8: Existing Lot Size Map



Figure 9: Proposed Lot Size Map



Part 5 – Community Consultation

The planning proposal is considered as low impact in accordance with the Department of Planning and Infrastructure's guidelines, 'A guide to preparing local environmental plans'. Hence it is proposed that the planning proposal will be publicly exhibited for a minimum 14 day period.

Part 6 - Project Timeline

The project is expected to be completed within nine (9) months from Gateway Determination. The following timetable is proposed:

Task	Plan	Planning Proposal Timeline										
	Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16	Nov 16	Dec 16
Issue of Gateway Determination												
Prepare any outstanding studies												
Consult with required State Agencies												
Exhibition of planning proposal and technical studies												
Review of submissions and preparation of report to Council												
Report to Council following exhibition												
Planning Proposal sent back to Department requesting that the draft LEP be prepared												