

3. Rezoning of land at 57 Thomas Street Edgeworth (PP_2013_LAKEM_005)

PROPOSAL

The Planning Proposal rezones lot 10 DP 791439 being 57 Thomas St, Edgeworth, from 4(2) Industrial (General) to B1 Neighbourhood Centre and amend the height of building (from 15 m to 10 m) and minimum lot size (from 1500 m² to no standard applies) to be consistent with the standards applying to adjoining B1 land.

Rezoning the site is a logical extension to the existing B1 zoned commercial strip which otherwise extends from Park Street (to the west) to Thomas Street.

The need for rezoning this land has originated at the request of the landowner who, Council advises, intends to develop the site for a major retail outlet. It does not result from a strategic study or report.

The site is situated within the Edgeworth Renewal Corridor which is identified in the Lower Hunter Regional Strategy as a corridor that presents opportunities for economic and housing renewal and intensification.

GATEWAY DETERMINATION

The Minister's delegate determined on 7 June 2013 that an amendment to the Lake Macquarie LEP 2004 or the draft Lake Macquarie LEP 2013 should proceed.

TIMEFRAME

The Gateway Determination required completion of the planning proposal by 14 March 2014 (9 months).

An extension to time was granted on 3 April 2014 allowing for an additional 6 months to complete exhibition, review submissions and finalise the plan. The Planning Proposal was due for completion by 14 September 2014.

AGENCY CONSULTATION

Consultation was undertaken with relevant agencies in relation to the relevant s117 directions and as required by the Gateway. Neither NSW Rural Fire Service nor the Mine Subsidence Board raised any objections.

NSW Transport and Roads and Maritime Service were consulted due to the proposals location on a state road and the potential impacts on traffic generation associated with the proposal. Roads and Maritime Service did not object to the proposal but indicated that no access to Main Road would be permitted. Alternative access arrangements can be resolved at the development assessment stage

PUBLIC PARTICIPATION

In accordance with the Gateway Determination issued 7 June 2013, the planning proposal was exhibited for at least 14 days from 24 March to 8 April 2014. One public submission was received in response to the exhibition. This submission raised concerns regarding traffic, access and trading hours of a future development. These issues can be adequately considered at the development assessment stage and do not preclude the rezoning of land.

PUBLIC HEARING

The Gateway Determination did not require a public hearing to be held into the matter by any person or body under section 56(2) of the *Environmental Planning and Assessment Act 1979*.

CHANGES MADE TO THE PLANNING PROPOSAL AFTER EXHIBITION

No changes were made to the proposal after exhibition and the proposal is to be finalised as part of the new draft LEP as permitted under the Gateway determination.

CONSISTENCY WITH STATE POLICIES AND S117 DIRECTIONS

This planning proposal is considered consistent with applicable State Environmental Planning Policies (SEPP's).

The Gateway Determination issued 7 June 2013 advised that the inconsistency with s117 direction 1.1. Business and Industrial Zones was agreed due to its minor significance. Consistency with s117 direction 4.2 Mine Subsidence and Unstable land and 4.4 Planning for Bushfire Protection was resolved through consultation with the relevant agencies who raised no concerns with the proposal.

COUNCIL DELEGATIONS

Council has delegations and resolved to finalise the Plan on 12 May 2014, Council requested drafting of the LEP amendment on 21 May 2014. To improve timing it was appropriate to finalise the drafting and notification via the draft LEP 2014.