

**City Strategy Committee Meeting
13 May 2013**

**13STRAT013 Amendment to Lake Macquarie Local Environmental Plan 2004 -
Lot 10 DP 791439, 57 Thomas Street, Edgeworth**

Council Ref: RZ/3/2013 - D02904241
Report By: Senior Strategic Landuse Planner - Karen Partington

Précis:

Council has received a request to amend Lake Macquarie Local Environmental Plan 2004 (LMLEP 2004) to rezone land at Lot 10 DP 79143986, 57 Thomas Street Edgeworth from 4(2) Industrial (General) to 3(1) Urban Centre (or the zone Equivalent B1 Neighbourhood Centre under draft Lake Macquarie Local Environmental Plan 2013).

This report seeks a resolution of Council to support preparation of the amendment to LMLEP 2004 and to forward the Planning Proposal (Attachment 1) for a Gateway Determination. The Gateway will set the public exhibition period, consultation requirements, and timeframes for finalisation of the amendment.

Recommendation:

Council:

- A. Requests a Gateway Determination from the Department of Planning and Infrastructure pursuant to the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) in relation to the Planning Proposal in Attachment 1;
- B. Places the Planning Proposal on exhibition, subject to the outcome of the Gateway determination;
- C. Notifies stakeholders and affected landowners of the Gateway determination and public exhibition period, as required; and
- D. Agrees that if no public submissions are received during the exhibition period, that a report be prepared, under delegation of the General Manager, and forwarded to the Minister to make the plan.

Background:

On 6 February 2013, a Planning Proposal to amend LMLEP 2004 was lodged to rezone Lot 10 DP 791439, 57 Thomas Street Edgeworth, from 4(2) Industrial (General) to 3(1) Urban Centre to permit a retail outlet to be constructed on the site.

The site is approximately 5830m² and is currently divided into two tenancies. Newcastle Truck and Bus Rentals are located to the north of the site (fronting Main Road with access off Thomas Street) and the tenancy to the south is vacant. The site contains three major structures, and is generally covered in impermeable materials to allow for parking. There is a small amount of landscaping along the southern boundary of the site.

The Planning Proposal is considered to have strategic merit and it is recommended that the LEP be amended to rezone the site to 3(1) Urban Centre.

Proposal:

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Council resolve to prepare and support an amendment to LMLEP 2004 to rezone land at Lot 10 DP 791439, 57 Thomas Street Edgeworth from 4(2) Industrial (General) to 3(1) Urban Centre (or B1 Neighbourhood Centre under draft LMLEP 2013) to permit the development of a retail outlet on the site.

A Planning Proposal outlining the proposed changes has been prepared and is provided in Attachment 1.

Consultation:

Representatives from Community Planning, Sustainability, Development Assessment and Compliance, Asset Management, Property and Economic Development were consulted during the preparation of the Planning Proposal.

Implications:

The following implications are based on the Planning Proposal in Attachment 1.

Policy Implications:

Lower Hunter Regional Strategy

The subject site is located within a proposed renewal corridor under the Lower Hunter Regional Strategy (LHRS). The corridor has been identified for residential and mixed used opportunities for areas around high frequency transport networks and in close proximity to Centres. The proposed renewal corridor is within close proximity to the emerging major regional centre of Glendale/Cardiff.

The LHRS identifies the role of the renewal corridors to present opportunities for economic renewal and/or housing renewal and intensification.

The Planning Proposal estimates that up to 30 full time positions may be generated by the proposed retail operations.

Lifestyle 2030 Strategy

The Lifestyle 2030 Strategy (LS2030) provides the long-term direction for the overall development of the City.

The Planning Proposal aligns with the city vision, core values, and aims of the LS2030.

The Planning Proposal aligns with Strategic Direction 4, 'A well serviced and equitable city'. The proposal attempts to maximise opportunities for development in existing urban areas and to provide more efficient use of existing land and infrastructure. An intention of this direction is to recognise community, commercial, and investor needs through accommodating the City's projected population growth, where feasible, within Centres and established areas.

It is considered that the development of the subject site for retail and commercial use within a renewal corridor, is consistent with this intent.

Under the Urban Structure Map within LS2030, the land is identified as part of a Neighbourhood Centre with potential and existing employment lands. Similarly, under the Urban Change and Urban Investigation Map, the site is within an identified Core Commercial and Living Urban Area.

It is considered that the Planning Proposal accommodates retail employment in line with the identified use within the Structure Map.

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Newcastle-Lake Macquarie Western Corridor Planning Strategy

The Newcastle-Lake Macquarie Western Corridor Planning Strategy (the Strategy) has been prepared by the Department of Planning and Infrastructure to identify further planning principles, development criteria and infrastructure requirements to implement the actions identified in the LHRS for the western corridor of Newcastle and Lake Macquarie local government areas.

The Strategy identifies six planning principles that need to be considered when assessing any proposed rezoning and/or development in this area. It is considered the Planning Proposal is consistent with the planning principles of the Strategy, as it facilitates the provision of employment lands/opportunities.

State Environmental Planning Policies

Relevant State Environmental Planning Policies (SEPPs) have been considered in the preparation of the Planning Proposal (refer to Attachment 1). The Planning Proposal is generally consistent with these SEPPs.

Section 117(2) Ministerial Directions

The Planning Proposal is generally consistent with the relevant Ministerial Directions made pursuant to Section 117(2) of the *EP&A Act 1979*. A table commenting on the relevant directions is included in the Planning Proposal in Attachment 1.

Lake Macquarie Local Environmental Plan 2004

The proposal seeks to rezone the site from 4(2) Industrial (General) to 3(1) Urban Centre under LMLEP 2004 to allow the development of a retail outlet.

Under the current 4(2) zone, the proposed retail outlet is prohibited and an extension of the existing 3(1) zone to the west of the subject land is proposed.

Draft Standard Instrument Local Environmental Plan 2013

Under the draft LMLEP 2013, the current zone applying to the land would convert to IN2 Light Industrial. The rezoning proposed would result on the site being zoned B1 Neighbourhood Centre under draft LMLEP 2013.

Draft Land Use Review for the Edgeworth Corridor

The Integrated Planning department is currently undertaking investigations into the Edgeworth renewal corridor identified in the LHRS and the Newcastle-Lake Macquarie Western Corridor Planning Strategy to guide its future development.

A draft Land Use Review for the Edgeworth Corridor (the draft Review) has been prepared which documents the land use needs of the area, provides an analysis of the issues involved in meeting likely future land use needs and infrastructure requirements, and identifies the significant sites, opportunities and constraints of the Corridor.

The final Review will be a companion document to the Edgeworth Transport Study, which will then inform the Edgeworth Renewal Corridor Strategy.

Although the work to date is still in its preliminary stages, the Planning Proposal is not inconsistent with the various options that are being considered to guide development in this area.

Lake Macquarie Employment Lands Study

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The Lake Macquarie Employment Lands Study was prepared in December 2010, to provide an understanding of demand for employment land in Lake Macquarie to 2030 and provide a framework to plan for further floor space to accommodate this demand.

The Study noted that demand for industrial floor space would increase by around 1,200m² by the year 2030. Additional floor space capacity under existing controls can accommodate an additional 5,910m² of industrial floor space. The Study stated that there was no significant opportunity for expansion of the industrial land area in Edgeworth given the proximity to established industrial estates, such as Cardiff. It was recommended that Council retain the industrial precinct in the short term, while monitoring its performance over the longer term.

While a minimal demand for industrial land has been forecast, some increase in demand for retail/commercial floor space was identified. Given the Study did not identify the industrial land in this area as high importance, it is considered the loss of approximately 5,830m² in this location will have a negligible impact on industrial land supply within this part of the local government area.

Environmental Implications:

The site is relatively free of environmental constraints and is suitable for the development of a retail outlet. Residential amenity, including visual and noise impacts, as well as potential traffic issues will be investigated after the proposal has a Gateway determination.

Social Implications:

10 Year Community Plan

The 10 Year Community Plan focuses on five key areas, one being urban and economic development, which relate to this Planning Proposal. The objective of this focus area is to ensure the city's economy prospers under managed growth that enhances the quality of life while balancing employment and environmental objectives. The 10 Year Community Plan identifies increasing employment opportunities and investment within the City as a means of achieving this objective. It is considered that the Planning Proposal is in line with this objective and supports the overall aims of the 10 year Community Plan.

Infrastructure Asset Implications:

The Planning Proposal relates to privately owned land and will not impact on Council's current or future infrastructure assets.

Financial Implications:

There will be no specific financial implications for Council apart from staff resources involved in the processing of the LEP amendment in accordance with Council's LEP amendment process. The applicant will be required to enter into a standard LEP Amendment Agreement with Council, following submission of the Planning Proposal to the Gateway.

Risk and Insurance Implications:

The risks associated with preparing a Planning Proposal is minimised by following the process outlined in the EP&A Act 1979, the *Environmental Planning & Assessment Regulation 2000*, and Council's LEP Amendment Procedure.

Options:

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1. Council resolves to support the Planning Proposal to rezone Lot 10 DP 791439, 57 Thomas Street Edgeworth from 4(2) Industrial (General) to 3(1) Urban Centre under LMLEP 2004, to permit the use of a retail outlet.

This is the recommended option, as it aligns with the strategic direction of the Edgeworth renewal corridor, as outlined in the LHRS and the Newcastle-Lake Macquarie Western Corridor Planning Strategy.

2. Council resolves to amend the Planning Proposal.
3. Council resolves not to support the Planning Proposal, and does not prepare a draft amendment to LMLEP 2004.

This is not the preferred option as the proposal aligns with Council's strategic documents, and has the ability to provide further employment opportunities within the Edgeworth renewal corridor.

Conclusion:

It is considered that the Planning Proposal aligns with the strategic direction of the identified Edgeworth renewal corridor and will provide economic benefits to the local government area. It is recommended that the Council resolve to request Gateway determination from the Department of Planning and Infrastructure to enable the Planning Proposal to progress.

Manager - Integrated Planning - Sharon Pope

Attachments:

1. Planning Proposal - 57 Thomas Street Edgeworth D02927239

