

SUBJECT: **PLANNING PROPOSAL - FORMER CESSNOCK CITY BOWLING CLUB SITE**

RESPONSIBLE OFFICER: **Coordinator Strategic Landuse Planning - Bo Moshage**

APPLICATION NUMBER:	18/2014/7
PROPOSAL:	ABERDARE ROAD, ABERDARE
PROPERTY DESCRIPTION:	LOT 3, SECTION 50, DP 758002
PROPERTY ADDRESS:	49B ABERDARE ROAD, ABERDARE
ZONE (CURRENT):	RE2 – PRIVATE RECREATION
ZONE (PROPOSED):	B2 – LOCAL CENTRE
APPLICANT:	INSITE PLANNING
OWNER:	EAST CESSNOCK BOWLING CLUB LTD

SUMMARY

The report seeks Council's approval to submit a Planning Proposal to the Department Planning and Environment for a Gateway determination. The Planning Proposal amends the Cessnock LEP 2011 by rezoning 49B Aberdare Road, Cessnock (otherwise known as the former Cessnock City Bowling Club site) from RE2 - Private Recreation to B2 - Local Centre to facilitate a proposed service station and food and drink premise development.

RECOMMENDATION

1. That Council forward a Planning Proposal to the Department of Planning and Environment under s.56 (1) of the *Environmental Planning and Assessment Act 1979* seeking a gateway determination to rezone Lot 3 Sec 50, DP 758002 (also known as the former Cessnock City Bowling Club site) from RE2 - Private Recreation to B2 - Local Centre.
2. Exhibit the Planning Proposal in accordance with the Gateway determination and Council's statutory obligations, should the Gateway determination be issued.

BACKGROUND

Chronology

Date	Brief Description
21/12/2014	Planning Proposal lodged with Council.
24/03/2015	Council requested additional information to support the Planning Proposal.

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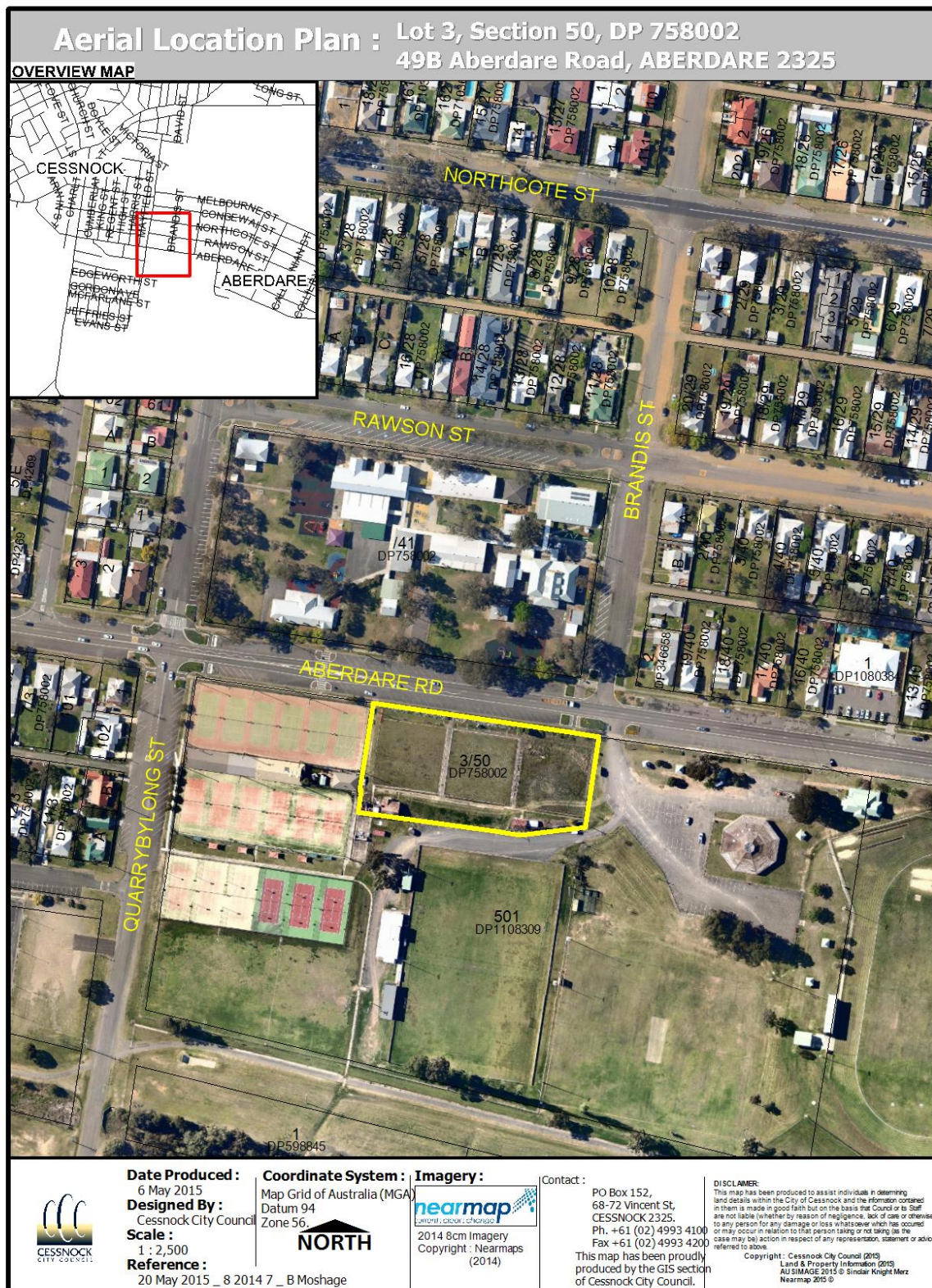


14/04/2015	Modified Planning Proposal lodged with Council addressing additional information requirements.
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Location Map:



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REPORT/PROPOSAL

The Proposal

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The objective of the proposed amendment to Cessnock LEP 2011 is to permit service station and food and drink premises at 49B Aberdare Road, Cessnock. The land is currently zoned RE2 - Private Recreation. Service Stations and food and drink premises are prohibited in this zone.

The proposed new owners of 49B Aberdare Road, Cessnock wish to redevelop the site into three separate business entities including a service station, KFC store and Hungry Jacks Restaurant. Accordingly, it is proposed to rezone the site to B2 - Local Centre, which permits a range of retail, business, entertainment and community uses consistent with those traditionally found surrounding a town centre and on sub-arterial roads that serve the needs of people who live in, work in and visit a local area.

Food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

Note. Food and drink premises are a type of retail premises.

Service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

The Site

The site is located on the former Cessnock City Bowling Club where operations were transferred to the East Cessnock Bowling Club. The land was subsequently sold as it was identified as surplus to recreational bowling needs of the community. The perspective new owners propose to enter into a contract to purchase the site and relocate the existing KFC restaurant (located at 226 Wollombi Road, Cessnock) to the subject site because the current store is over trading and there is not sufficient area on the current KFC site for expansion.

The site is surrounded on all other boundaries by Turner Park which is zoned RE1 - Public Recreation and comprises recreation uses. Opposite the site on the northern side of Aberdare Road is located Cessnock Public School, Brandis Street and residential dwellings fronting Brandis Street and Aberdare Road, all of which are zoned R2 - Low Density Residential.

Strategic Context

Lower Hunter Regional Strategy

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The Lower Hunter Regional Strategy establishes a hierarchy and network of urban centres and identifies Cessnock LGA as a location of substantial residential growth (21,700 dwellings).

It also requires these centres play a greater role in providing jobs and housing and reduce sprawl. However, given the relatively small size of the site, the Regional Strategy does not specifically identify it as a future location for employment.

Notwithstanding this, the Planning Proposal is not inconsistent with the objectives of the Regional Strategy and constitutes infill development within the identified Regional Centre of Cessnock.

Cessnock City Wide Settlement Strategy (2010)

Council's City Wide Settlement Strategy acknowledges that emerging retail trends such as bulky good outlets, 'big box' formats, warehouses, factory outlets, markets and service stations and fast food outlets are relatively absent in Cessnock and that demand for these newer retailing formats is likely to occur as residential development expands. Since 2014, these large format stores and convenience based uses are being established in Cessnock.

The Planning Proposal is consistent with Council's commercial hierarchy and supports the role of the Cessnock Town Centre by expanding the retail offer provided in Cessnock to include drive-through fast food outlets and a service station in an appropriate location on a major transport corridor on the fringe of the CBD.

A preliminary social and economic impact assessment incorporating a Net Community Benefit Analysis has been provided with the Planning Proposal and concludes that the planning proposal can be supported. However, as part of the ongoing consideration and prior to the exhibition of the Planning Proposal, a comprehensive social and economic impact assessment will need to be undertaken, and include consideration of the impact of an additional service station and the introduction of a Hungry Jacks Restaurant to the Cessnock town core.

Consistency with State Environmental Planning Policies (SEPPs)

An assessment has been undertaken to determine the level of consistency the proposal has with the relevant SEPPs. No issues have been identified that would prevent the Planning Proposal being submitted to the Gateway for determination. Details of SEPPs are contained within the Planning Proposal as Enclosure 1.

Ministerial Section 117 Directions

An assessment has been undertaken to determine the level of consistency the proposal has with the relevant Ministerial Directions. No issues have been identified that would prevent the Planning Proposal being submitted to the Gateway for determination. Details of Ministerial Directions are contained within the Planning Proposal as Enclosure 1.

Supporting Studies

The Planning Proposal prepared by Insite Planning is supported by:

- Preliminary Social and Economic Impact Assessment incorporating a Net Community Benefit Analysis;
- Preliminary Traffic and Parking prepared by Intersect Traffic P/L;

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- Preliminary Contamination Report prepared by Martens Consulting Engineers;
- Stormwater Report prepared by Martens Consulting Engineers.

While these reports apply to the subject site, certain studies and investigations may need to be updated or clarified in a form that specifically addresses the land following Gateway determination. This will ensure that all detailed technical issues are clearly addressed and documented for the purpose of public exhibition.

OPTIONS

Council has the following options:

1. Progress the Planning Proposal to Planning and Infrastructure for 'Gateway' determination under section 56(1) of the *Environmental Planning and Assessment Act 1979* as recommended by this report.
2. Not proceed with the Planning Proposal for the following reasons:

(To be provided by Council).

CONSULTATION

Formal consultation with selected statutory agencies, including with the wider community, will be undertaken following and as directed by, the Gateway determination. It is recommended that the Planning Proposal be exhibited for a period of 28 days.

Should the Planning Proposal progress through the Gateway, Council will seek to consult with the following statutory authorities and agencies:

- Hunter Water Corporation for water and sewer connection services;
- Mine Subsidence Board as the land has the potential to have been undermined in the past;
- Roads and Maritime Services as the proposal seeks to provide access onto a classified road (Aberdare Road); and
- Any others specified in the determination.

STRATEGIC LINKS

a. Delivery Program

A Sustainable and Healthy Environment: Objective 3.1 Protecting and Enhancing the Natural Environment and the Rural Character of the Area.

b. Other Plans

Nil.

IMPLICATIONS

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a. Policy and Procedural Implications

Following Council's endorsement, a Planning Proposal will be submitted to the Department of Planning and Infrastructure for a Gateway determination.

The planning proposal's status is indicated in the process map below.

PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN



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b. Financial Implications

The rezoning of this land would come under Category B in Council's fee structure consisting of Phase 1 - \$4,305.00 (payable on application) and Phase 2 - \$3,690.00 (payable after the Department of Planning and Infrastructure has agreed to progress the Planning Proposal through the Gateway). The Phase 1 fee has been received by Council.

c. Legislative Implications

The process underway to develop and finalise the Planning Proposal is consistent with Council's statutory responsibilities under the Environmental Planning and Assessment Act 1979.

d. Risk Implications

Nil.

e. Other Implications

Nil.

CONCLUSION

The Planning Proposal will facilitate a B2 - Local Centre zone at 49B Aberdare Road, Aberdare (also known as the (former) Cessnock City Bowling Club site), which is currently zoned RE2 - Private Recreation.

This rezoning is consistent with Council's commercial hierarchy and satisfy the zone objectives by providing a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.

It is recommended that Council commence this amendment to the Cessnock Local Environmental Plan 2011 and request a Gateway determination for the subject Planning Proposal.

ENCLOSURES

- [1](#) Planning Proposal - Aberdare Road, Aberdare