

## Planning and Assessment

IRF20/3529

### Gateway determination report

<b>LGA</b>	Maitland
<b>PPA</b>	Maitland City Council
<b>NAME</b>	Rezone part of lot at corner Station Lane and Christopher Road and amend associated floor space ratio, height of buildings and minimum lot size controls to facilitate Lochinvar Town Centre
<b>NUMBER</b>	PP_2019_MAITL_002_00
<b>LEP TO BE AMENDED</b>	Maitland Local Environmental Plan 2011
<b>ADDRESS</b>	Corner Station Lane and Christopher Road Lochinvar
<b>DESCRIPTION</b>	Part of Lot 310 DP 1034974
<b>RECEIVED</b>	13 August 2020 (revised version 3)
<b>FILE NO.</b>	IRF20/3529
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal.

## 1. INTRODUCTION

### 1.1 Description of planning proposal

The purpose of the planning proposal is to amend *Maitland Local Environmental Plan 2011* to establish the Lochinvar Town Centre.

Specifically, the planning proposal is to rezone 2.5ha of land within the Lochinvar Urban Release Area from R1 General Residential to B2 Local Centre. The planning proposal also seeks to increase the maximum floor space ratio control to 2:1 and the maximum height of buildings control to 8 meters, whilst removing the minimum lot size provision.

### 1.2 Site description

The planning proposal applies to a portion of Lot 310 DP 1034974 at the corner of Station Lane and Christopher Road Lochinvar. The lot is identified in Figure 1. There is currently one dwelling and two outbuildings on the site. The subject site, being a portion of the lot, is identified in Figure 2.

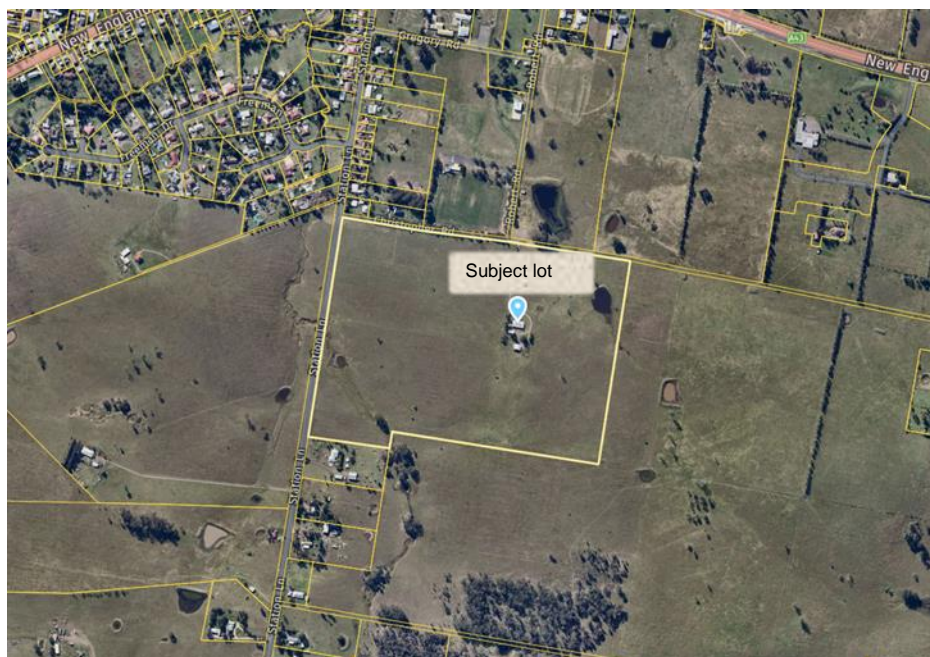


Figure 1: Entirety of Lot 310 DP 1034974.



Figure 2: Subject site identified as 'Proposed B2 – Town Centre'.

### 1.3 Existing planning controls

The subject site is currently zoned R1 General Residential, with minimum lot size of 450m<sup>2</sup>. Class 5 Acid Sulfate Soils affects the site and a watercourse is identified on site reflecting the existing drainage line running close to Station Lane. There are no other development controls that apply to the site.

### 1.4 Surrounding area

The majority of the surrounding area is identified within the Lochinvar Urban Release Area, which is a total of 36ha. The development of Lochinvar as a major release area is in the initial phases of development, with around 360 residential lots approved and an additional 653 residential lots currently being assessed by Maitland Council. The area is expected to cater for 14,000 new residents when fully realised.

Directly to the north of the site are playing fields known as Lochinvar Sporting Complex, which are zoned RE1 Public Recreation. There is a small area of R5 Large Lot Residential development to the north west of the site.

The proposed town centre is located approximately 2km north of Lochinvar train station and approximately 1.2km south of the New England Highway. The existing Lochinvar village is based around the New England Highway and is characterised by a sparse settlement of dwellings, two primary schools, church, local shops and hotel.

There are pockets of land zoned E3 Environmental Management to the south and west of the subject site. Land to the east and west of the Urban Release Area is zoned RU2 Rural Landscape.

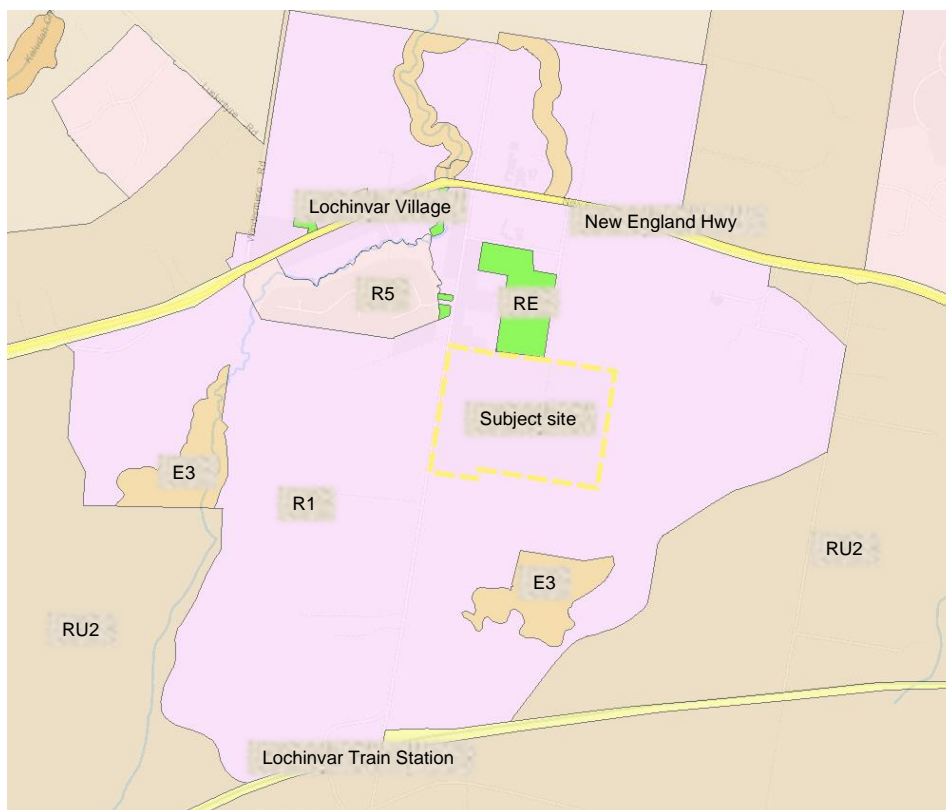


Figure 3: Subject site and surrounding land uses.



## 2. PROPOSAL

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### 2.1 Objectives or intended outcomes

- To facilitate a precinct plan, providing detailed urban design controls, for the Lochinvar town centre;
- To facilitate a development application for the development of the town centre in accordance with the precinct plan;
- To ensure the development of the centre is consistent with previous Council resolutions; and,
- To allow the development of the town centre to accommodate commercial, retail and community uses to service the local community.

The objectives are clear and do not require amendment prior to community consultation.

### 2.2 Explanation of provisions

The planning proposal seeks to amend the Land Zoning, Floor Space Ratio, Height of Buildings and Lot Size Maps of *Maitland Local Environmental Plan 2011* to:

- B2 Local Centre zone;
- Identify a maximum floor space ratio control of 2:1;
- Identify a maximum height of building control of 8m; and
- Remove the minimum lot size control of 450m<sup>2</sup> for the subject land.

The planning proposal incorrectly describes the B2 as a Town Centre zone, instead of a Local Centre zone under the *Maitland Local Environmental Plan 2011*. This should be updated prior to community consultation.

The explanation of provisions is clear.

### 2.3 Mapping

Mapping in the planning proposal clearly shows the subject land and proposed controls regarding land zoning, floor space ratio, height of buildings and lot size.

However, the planning proposal does not include maps of the current controls for floor space ratio, height of buildings and minimum lot size. Although there is no maximum floor space ratio or maximum height of buildings control applicable to the site currently, this should be made clear in the planning proposal by including relevant maps.

## 3. NEED FOR THE PLANNING PROPOSAL

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The planning proposal is the result of a number of strategic plans that identify a commercial precinct in the central sector of the Urban Release Area, including:

- *Lochinvar Structure Plan 2007*;
- *Maitland Activity Centres and Employment Clusters Strategy 2010*;
- *Lochinvar Area Plan 2014*; and
- *Lochinvar Section 94 Contributions Plan 2014*.

The planning proposal is the best means for achieving the intended outcomes. It will enable the local environmental plan to reflect the intended land use function of the

site and allow it to appropriately service the growth of this new residential area in line with current strategic plans.

## **4. STRATEGIC ASSESSMENT**

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### **4.1 State**

There are no state-level plans or strategies relevant to this planning proposal.

### **4.2 Regional / District**

#### *Hunter Regional Plan 2036*

The *Hunter Regional Plan 2036* identifies Lochinvar as an emerging Town Centre.

- Direction 17 – Creating healthy built environments through good design

The planning proposal is consistent as Lochinvar town centre will provide essential services and a focal point for the community. It is centrally located in Lochinvar Urban Release Area. It is accessible by car, walking and cycling. The location is on a distributor road bus route which will facilitate interchange between different modes of transport.

All essential services including telecommunication, electricity, gas, reticulated water and sewer services are being extended to support the Urban Release Area. Health, education and emergency services are all located nearby.

- Direction 20 – Revitalise existing communities

The existing Lochinvar village on the New England Highway has a scattering of commercial uses that service the traveling public and local population. the planning proposal states it is expected the Lochinvar Hotel, takeaway and newsagency/café will continue to operate. However, expansion of this village centre is limited due to fragmented land ownership, location fronting a major arterial road and predominant surrounding residential character.

The location of the proposed new town centre has been informed by a number of factors including the size and shape of the Urban Release Area, connectivity with key roads and public transport infrastructure and the development of a greenfield site. The provision and development of Lochinvar town centre on a greenfield site in the Urban Release Area has been planned in several strategic documents in order to service the growing community.

The planning proposal is consistent due to the strategic merit in a centrally located new town centre in Lochinvar Urban Release Area and the limitations of Lochinvar village centre to sufficiently cater to this significant growth.

- Direction 21 – Create a compact settlement

The planning proposal is consistent as it will support the growth of Lochinvar by providing a town centre for surrounding residents. The size of the proposed town centre is identified through *Maitland ACECS 2010* and is directly proportionate with other commercial centres servicing similar catchment sizes. The site is within the Maitland Corridor which is identified in *Hunter Regional Plan 2036* as a growth area.

- Direction 22 – Promote housing diversity

The planning proposal is consistent as a B2 Local Centre zoning will allow shop top housing. This will introduce some housing diversity to the Lochinvar Urban Release

Area which is expected to be predominantly low density residential in areas outside of the town centre.

#### Greater Newcastle Metropolitan Plan 2036 (GNMP)

The zoning of this land for the proposed town centre will enable future development to be consistent with the GNMP, specifically the following strategies:

- Strategy 10 – Create better buildings and great places

The planning proposal is consistent as realising a new town centre in Lochinvar Urban Release Area will deliver a place making initiative to strengthen the connection between people and the places they share.

- Strategy 11 – Create more great public spaces where people come together

The planning proposal is consistent as a town centre will be created from a greenfield space. This provides an opportunity for Maitland Council to implement the strategy through place making initiatives, infrastructure funding and community participation in design.

- Strategy 12 – Enhance the Blue and Green Grid and urban tree canopy

The planning proposal is consistent as the inclusion of recreation areas close to town centres is a best practice approach to extend the public realm of the town centre and link the activity nodes of the community. Figures 2 and 3 identify nearby recreation areas and drainage corridors providing opportunity for potential enhancement of the blue and green grid.

- Strategy 20 – Integrate land use and transport planning

The planning proposal is consistent as it identifies the location of the train station and bus network to connect the community to the proposed town centre. This reflects the transport planning previously undertaken for this Urban Release Area.

#### **4.3 Local**

The planning proposal is consistent with Council's Community Strategic Plan *Maitland+10* as it provides opportunities for a vibrant town centre and retail services to meet the needs of a growing population.

#### Lochinvar Structure Plan 2007

The structure plan has been endorsed by the Department of Planning, Industry and Environment and identified a range of facilities needed to support residential development, including a commercial precinct and community hub. As such, it identifies a commercial precinct in the central sector of the town. The commercial precinct would provide a link between the existing village located around the New England Highway, and the Urban Release Area to the south.

The structure plan envisaged an area of at least 5-10 hectares are to be provided to cater for the provision of sufficient retail/commercial facilities within the central town precinct. The planning proposal seeks to rezone 2.5 hectares. The structure plan acknowledged that the size of the town centre precinct may vary depending on commercial and retail studies to be developed in conjunction with the future planning for the release area.

### Maitland Activity Centres and Employment Clusters Strategy 2010 ('ACECS')

The ACECS sets out principles to guide the growth of activity centres and employment clusters in the Local Government Area, and support the growing residential community with services, facilities and employment opportunities.

The ACECS identifies an objective to reinforce the role and function of Lochinvar as one of the town centres in the Maitland Local Government Area. Analysis suggests that the Lochinvar town centre should be similar size and offer the same level of services as Rutherford, East Maitland and Thornton town centres.

### Lochinvar Area Plan and s.94 Contributions Plan 2014

Lochinvar Area Plan includes the following objectives regarding a new town centre:

- Incorporates 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 Local Government Area;
- 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 scale, role and function of the proposed town centre will support the existing village centre on the New England Highway in Lochinvar and provide a place for new residents to forge a strong identity through a community focal point.

Lochinvar Area Plan identifies the distributor roads adjoining the town centre with s.94 funded roads and intersections. These roads will support both off road shared paths and on road commuter paths linking the hub to transport infrastructure and community facilities.

## **4.4 Section 9.1 Ministerial Directions**

### 1.1 Business and Industrial zones

The direction applies as the planning proposal seeks to introduce a B2 Local Centre business zone to facilitate the new Lochinvar town centre, as identified in various strategic plans. The planning proposal is consistent with the direction as it will encourage employment growth through allowing commercial uses in a central location within the Urban Release Area.

### 2.6 Remediation of Contaminated Land

The direction does not apply as the site is not identified as contaminated.

### 3.1 Residential Zones

The direction applies as the proposal seeks to rezone approximately 2.5ha of R1 General Residential to B2 Local Centre. The site has been identified as a commercial and town centre precinct in the relevant Council strategies, including the *Lochinvar Structure Plan 2007* that was endorsed by the Department of Planning, Industry and Environment.

### 3.4 Integrating Land Use and Transport

The planning proposal is consistent with the direction as the subject site is centrally located in the Urban Release Area and well serviced by road and pedestrian links. A bus route is proposed along the distributor road fronting the site; Station Lane, that

will connect with Lochinvar train station to the south and provide an opportunity for interchange between different transport modes. As such the planning proposal will improve access to housing, jobs and services.

The Lochinvar Urban Release Area is progressively being serviced with all necessary public infrastructure to support the end population of 14,000 residents, including the proposed town centre. Lochinvar Area Plan identifies the future town centre adjoining distributor roads with s.711 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 identified within Stage 1 of the release area, which provides a level of certainty. As such the planning proposal is consistent with the direction as it reflects detailed funding mechanisms that are in place to ensure appropriate infrastructure will be delivered.

#### 4.1 Acid Sulfate Soils

The direction applies as the site is mapped as having class 5 Acid Sulfate Soils. The planning proposal is consistent with the direction as the land is already zoned for residential use, and Clause 7 of *Maitland Local Environmental Plan 2011* requires an acid sulfate soils assessment and/or management plan before granting consent for works that could disturb, expose or drain acid sulfate soils.

#### 4.2 Mine Subsidence and Unstable Lands

The direction does not apply as the site is not within a mine subsidence district or identified as unstable lands.

#### 4.3 Flood Prone Land

The direction does not apply as the site is not identified as flood prone land. Recent flood studies for Lochinvar Creek confirm the subject land is flood free during the 1% AEP flood event.

#### 4.4 Planning for Bushfire Protection

The direction does not apply as the site is not identified as bushfire prone land.

#### 5.10 Implementation of Regional Plans

The direction applies as Maitland Local Government Area is within the boundaries of the Hunter Region, with the land subject to the *Hunter Regional Plan 2036*. The planning proposal is consistent with the direction as it gives effect to Goal 4 of the plan for greater housing choices and jobs.

#### 6.2 Reserving Land for Public Purposes

The direction does not apply. The planning proposal does not intend to amend the Land Reservation Map to reserve land for public purposes. Recreational activities are permissible in the existing R1 General Residential zone and it is not intended to rezone the local playground to RE1 Public Recreation. The s.7.11 plan identifies the need for a local playground in this catchment.

#### **4.5 State environmental planning policies (SEPPs)**

##### SEPP No. 55 – Remediation of Land

There is no known history of land uses on the subject site that would contribute to gross contamination. The site was rezoned to Residential 2(a) as part of Amendment 110 to *Maitland Local Environmental Plan 1993* many years ago. Site contamination



assessment concluded the area was suitable for residential and associated development, therefore the land use proposed is considered suitable without further contamination assessment being required.

## **5. SITE-SPECIFIC ASSESSMENT**

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### **5.1 Social**

The planning proposal is not anticipated to have any adverse social impacts. Facilitating a new town centre means local shops, services and a community hub will be available to support the 14,000 new residents planned for the Lochinvar Urban Release Area and create a common meeting place.

Maitland Council considers the following social benefits of the planning proposal:

- The creation of a well-designed and well-connected town 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 facilities such as restaurant and cafes provide out of hours activity and a more vibrant centre.

### **5.2 Environmental**

The subject site was rezoned to 2(a) Residential as part of Amendment 110 to the *Maitland Local Environmental Plan 1993*. All planning and environmental matters were investigated and addressed as part that amendment. Furthermore, the subject land has formed part of the Lochinvar Urban Release Area since 2007. Progressive site studies for the Urban Release Area have identified the locality as suitable for urban development.

This planning proposal will not significantly alter identified environmental effects, which are minor and can be managed through the development application assessment process. Council has concluded there will no additional environmental impacts as a result of this planning proposal.

### **5.3 Economic**

Economic impacts from the planning proposal are anticipated to be positive, as the development of a new town centre will allow a range of commercial activities and therefore a number of new employment opportunities. Analysis suggests that the Lochinvar town centre would be similar in size and offer the same level of services as Rutherford, East Maitland and Thornton town centres.

## **6. CONSULTATION**

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### **6.1 Community**

Maitland Council has assessed the proposal as being low impact, with a 14-day public exhibition period suggested. However, given the significant change with the pattern of surrounding land use zone and land uses, a 28-day public exhibition period is recommended.

## **6.2 Agencies**

Maitland Council has not proposed any agency consultation given substantial previous consultation with relevant state and commonwealth departments during the preparation of the *Lochinvar Structure Plan* and *Lochinvar Area Plan*. Previous consultation identified the potential rezoning of this site for a future town centre. This is considered appropriate.

## **7. TIME FRAME**

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Maitland Council has suggested a 12-month timeframe to complete this proposal and this is considered appropriate. Council is required to update the planning proposal to reflect this timeframe, prior to community consultation.

## **8. LOCAL PLAN-MAKING AUTHORITY**

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Maitland Council has requested to be the local plan-making authority, and this is supported given the proposal aligns with various strategic documents, including the *Lochinvar Structure Plan* and *Lochinvar Area Plan*.

## **9. CONCLUSION**

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It is recommended the proposal proceed with conditions.

## **10. RECOMMENDATION**

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It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Update the planning proposal to reference B2 Local Centre under the *Maitland Local Environmental Plan 2011*.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. The time frame for completing the Local Environmental Plan is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Maitland Council should be the local plan-making authority.
5. Maitland Council is to update the planning proposal with the following information prior to public exhibition:
  - (a) Include maps of the site's current controls for floor space ratio, height of buildings and minimum lot size. Although there is no maximum floor space ratio or maximum height of buildings control applicable to the site currently, this should be made clear in the planning proposal by including relevant maps.
6. No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act



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