

Planning Proposal
Amendment to Lake Macquarie Local Environmental Plan 2004
and proposed Amendment to Draft Lake Macquarie Local
Environmental Plan 2013
Business Zone amendments - Morisset Town Centre

Local Government Area:	City of Lake Macquarie
Name of Draft LEP:	Lake Macquarie Local Environmental Plan 2004 (Amendment No. XX) and Draft Amendment 'Morisset Town Centre' to Draft Lake Macquarie Local Environmental Plan 2013.
Owner:	The Trustees of the Roman Catholic Church for the Diocese of Maitland – Newcastle; various others
Applicant:	The Trustees of the Roman Catholic Church for the Diocese of Maitland
Subject Land:	43-45, 107 – 115 Dora Street; 6 – 14 Doyalson Street; 5,6-14, 60, 61 Yambo Street; 10-14 Wharf Street; 22-30 Newcastle Street
Maps and Photos:	Attachment 1 – Locality Map Attachment 2 – Aerial Photo and Current Zoning - Lake Macquarie LEP 2004 Attachment 3 – Indicative Proposed Zoning - Draft Amendment No. 82 to Lake Macquarie LEP 2004 Attachment 4 – Indicative Proposed Zoning – Draft Lake Macquarie LEP 2013
Other Attachments	Attachment 5 – Excerpt from Lake Macquarie Town Centres Development Control Plan

Part 1 – Objective of the Planning Proposal

The objective of the planning proposal is to rezone certain land within and adjacent to Morisset Town Centre to facilitate a more logical expansion of the town centre commercial area as it continues its emergence as a regional centre.

Part 2 – Explanation of the Provisions

The amendment proposes the following changes to Lake Macquarie LEP 2004:

Amendment Applies To	Explanation of the Provision
Map	The proposal involves rezoning: 1.2 hectares from: Zone 2(2) Residential (Urban Living) to: Zone 3(1) Urban Centre (Core) 0.4 hectares from: Zone 2(2) Residential (Urban Living) to: Zone 3(2) Urban Centre (Support) 0.8 hectares from: Zone 3(1) Urban Centre (Core) to: Zone 3(2) Urban Centre (Support), and 1.0 hectares from: Zone 3(2) Urban Centre (Support) to: Zone 2(2) Residential (Urban Living) Resulting in a: - net increase of 0.4 hectares of land within Zone 3(1) Urban Centre (Core) - net increase of 0.2 hectares of land within Zone 3(2) Urban Centre (Support) - net decrease of 0.6 hectares of land within Zone 2(2) Residential (Urban Living) An indicative zoning plan is contained in Attachment 3.
Dictionary	Amend the definition of <i>the map</i> by adding Lake Macquarie Local Environmental Plan 2004 (Amendment No XX)

The Planning Proposal would result in the following changes to Draft Lake Macquarie LEP 2013 (Council's Standard Instrument LEP):

Amendment Applies To	Explanation of the Provision
Draft LMLEP 2013 Standard Instrument – Land Zoning Map (LNZ_007)	The proposal involves rezoning: 1.2 hectares from: Zone R3 Medium Density Residential to: Zone B3 Commercial Core 0.4 hectares from: Zone R3 Medium Density Residential to: Zone B4 Mixed Use 0.8 hectares from: Zone B3 Commercial Core to: Zone B4 Mixed Use, and 1 hectare from: Zone B4 Mixed Use to: Zone R3 Medium Density Residential Resulting in a: net increase of 0.4 hectares of land within Zone B3

Amendment Applies To	Explanation of the Provision
	Commercial Core - net increase of 0.2 hectares of land within Zone B4 Mixed Use - net decrease of 0.6 hectares of land within Zone R3 Medium Density Residential An indicative zoning plan is contained in Attachment 4.
Draft LMLEP 2013 Standard Instrument – Minimum Lot Size Map (LSZ_007)	Minimum lot sizes would correspond to proposed zoning as follows: R3 – 900m ² ; B3 and B4 – no minimum lot size.
Draft LMLEP 2013 Standard Instrument – Building Height Map (HOB_007)	Maximum building heights would correspond to proposed zoning as follows: R3 – 10m; B3 and B4 – 13m.

Part 3 – Justification for the Provisions

A Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

While the planning proposal has been initiated by a particular landowner, the proposed zone changes are consistent with the Council-adopted Morisset Town Centre Area Plan, which indicates two areas worthy of consideration for rezoning. (See Attachment 5 – Excerpt from Morisset Town Centre Area Plan)

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The zone changes indicated in the planning proposal are the best way to ensure the objective of allowing a logical expansion of the Morisset town centre commercial area is achieved.

B Relationship to strategic planning framework

Q3. 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)?

Morisset is designated as an emerging major regional centre under the Lower Hunter Regional Strategy (LHRS). The LHRS describes the key functions of a regional centre as *a concentration of business, higher order retailing, employment, professional services and generally including civic functions and facilities. A focal point for subregional road and transport networks and may service a number of districts.*

The Planning Proposal recommends land use zoning changes that would afford greater opportunities for the types of development listed above.

Q4. Is the planning proposal consistent with the local council's Community Strategic plan, or other local strategic plan?

Lifestyle 2030 Strategy

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

In particular, the Planning Proposal aligns with the following strategic directions and outcomes:

Strategic Direction 3 – 'A well designed, adaptable and liveable city'

- The proposal is consistent with the Centres Hierarchy, under which Morisset is an emerging major regional centre (Outcome 3.1).
- The proposal would assist with Outcome 3.10 which discourages large scale commercial or retail development that is not within or adjacent to a centre, by providing a suitable site for such development within the Morisset Town Centre

Strategic Direction 4 – 'A well serviced and equitable city'

- The proposal will allow development of a site for employment and/or shopping activities that is located within 300 metres of a major railway station and bus interchange, thereby reducing congestion (Outcome 4.12).

Strategic Direction 5 – 'A city of progress and prosperity'

- The proposal will provide a site capable of supporting higher-order business as befitting Morisset's designation as a regional centre (Outcome 5.3) and help ensure sufficient land supply for commercial development (Outcome 5.4).

Morisset is the focal point for a "growth and expansion corridor" which takes in the Morisset Peninsula and Cooranbong. As such, it is expected to accommodate additional retail and commercial development to cater for the growing population in this broader area.

Morisset Structure Plan

The Morisset Structure Plan, adopted by Council in 2008, concluded that the existing 3(1) Urban Centre (Core) zone footprint allowed for adequate expansion of commercial/retail activity in the Morisset town centre. The Structure Plan also acknowledged that there could be demand for a discount department store to be developed in the future, which would likely trigger the need for a centre expansion.

The zone changes put forward in the Planning Proposal will allow for expansion of the centre, while resulting in a modest net increase in land zoned for business purposes (an additional 0.4 hectares zoned 3(1) Urban Centre (Core) and 0.2 hectares zoned 3(2) Urban Centre (Support).

Morisset Town Centre Area Plan

Morisset Town Centre Area Plan (contained within Lake Macquarie Town Centres Development Control Plan) was prepared having regard to extensive analysis of the existing town centre, including its topography, key destinations, views and character. The Area Plan indicated an area south west of Doyalson Street, including St John Vianney School and Church, that could be investigated for rezoning to accommodate a large-floorplate commercial use. The Area Plan also outlines an area within the current 3(1) or 3(2) Urban Centre zoning in which ground floor residential uses are seen to be appropriate. This is partly due to the area being less conducive to retail or commercial development because of topography and the distance from the core commercial and retail area of the town centre.

Q5. Is the planning proposal consistent with applicable state environmental planning policies?

An assessment has been undertaken to determine the level of consistency the proposal has with relevant State Environmental Planning Policies (SEPPs). The assessment is provided below.

SEPP 55 – Remediation of Land

The majority of the site has been operating as a school since 1962. There is no known history of activities on the site that may cause contamination. Given the current and previous use, it is unlikely that the site would be contaminated.

SEPP (Infrastructure) 2007

Development resulting from the proposal can be adequately serviced with existing infrastructure. The land to be rezoned is currently already developed as a school, church and dwellings and has all necessary infrastructure.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal has been assessed against relevant Ministerial Directions. The assessment is provided below. The proposal is generally consistent with section 117 Directions. A minor inconsistency exists with Direction 1.1 as described below.

1.1 – Business and Industrial Zones

This direction seeks to:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified strategic centres.

It applies when a planning proposal will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary)

The planning proposal seeks to zone additional land for business use and to rezone a small amount of land from a business/mixed use zone to a medium density residential zone. The proposal would result in a net increase of 0.6 hectares of land zoned for business or mixed use purposes in the Morisset town

Centre. These proposed zone changes have been informed by planning analysis undertaken in 2010 for Council's Morisset Town Centre Area Plan.

It is considered that the proposal meets the objectives of this direction, however, because the proposal does not entirely "retain the area and location of existing business zones", Council will seek the concurrence of the Director General or his delegate that the inconsistency is of minor significance.

1.3 - Mining, Petroleum Production and Extractive Industries

The proposal is unlikely to impact on mining, petroleum or extractive industries and the proposal is considered consistent with this direction.

2.3 – Heritage Conservation

There are no known heritage items or places of heritage significance in the vicinity of the land to be rezoned.

3.1 - Residential Zones

This direction seeks to:

- (a) encourage a variety and choice of housing types to provide for existing and future housing needs,
- (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- (c) minimise the impact of residential development on the environment and resource lands.

It applies when a planning proposal will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary) or any other zone in which significant residential development is permitted or proposed to be permitted.

This direction applies as the proposal involves rezoning some land from a medium density residential zone to a business or mixed use zone. Housing is still permissible within the business and mixed use zones in the form of residential flat buildings where they contain a component of retail or commercial development. The proposal is therefore considered to be consistent with this direction.

3.4 -Integrating Land Use and Transport

This direction seeks to reduce dependence on travel demand, especially by car.

The proposal is consistent with this direction as it will facilitate business and residential development in close proximity to Morisset Railway Station and bus interchange.

4.2 – Mine Subsidence and Unstable Land

The site is within a proclaimed Mine Subsidence district pursuant to section 15 of the Mine Subsidence Compensation Act 1961. This direction requires consultation with the Mine Subsidence Board for amendments to the LEP within a Mine subsidence district. Council will consult with the Mine Subsidence Board.

5.1- Implementation of Regional Strategies

The site is located in Morisset Town Centre, which is identified in the Lower Hunter Regional Strategy as an emerging major regional centre. The Planning Proposal will deliver a development site that will help attract higher-order retail or commercial uses to Morisset, commensurate with its intended role as a major regional centre.

C Environmental, social and economic impact

Q7. 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?

The land proposed to be rezoned is already within an urban area and does not contain critical habitat, threatened species or ecological communities.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The planning proposal applies to a small number of parcels within the existing urban area of Morisset. The land is not flood prone or bushfire prone and there are no other environmental effects anticipated as a result of the rezoning.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Social

The proposal will benefit the residents of Morisset and its surrounds by making a key site available for higher order retail or commercial uses that could not currently be accommodated within the Morisset Town Centre, potentially reducing the need for the local population to travel to other centres. The proposal may also lead to an improvement in the education options for local residents by facilitating the relocation of St John Vianney School and Church to a larger campus with the potential to cater for secondary as well as primary-aged students.

Any adverse social/amenity impacts on adjacent residential areas will need to be managed through amendment of the applicable Development Control Plan and consultation and careful design during any future development stage.

Economic

While the retail offer in Morisset town centre has improved greatly with the opening of two new supermarkets and shopping centres in the last five years, the Morisset district still experiences significant escape spending to larger centres such as Tuggerah on the Central Coast. There is currently very limited opportunity under the existing zoning at Morisset for the development of any additional large-floorplate uses, such as a discount department store. This Planning Proposal would provide commercially zoned land that will help attract higher-order retail or commercial uses to Morisset, increasing its autonomy and function as a major centre. This would result in significant benefits to local employment and the local economy.

Under the planning proposal, nine properties (eight of which are occupied by dwelling houses and one of which is owned/occupied by the local Masonic Centre) would be rezoned from 3(2) Urban Centre (Support) to 2(2) Residential (Urban Living) [or from Zone B4 Mixed Use to Zone R3 Medium Density Residential in Draft Lake Macquarie LEP 2013]. The owners of these properties may be concerned that the rezoning would have a negative effect on their property values. However, market research indicates such concerns appear unfounded. A comparison was undertaken of actual sale prices of seven residential properties within or adjacent to Morisset town centre zoned 2(2) Residential, 3(2) Urban Centre (Support) or 3(1) Urban Centre (Core). All seven sales occurred between July 2011 and June 2012. The comparison showed that the properties zoned residential obtained a similar or higher sale price

(when converted to a price per square metre rate) compared to those properties with the commercial zoning.

Prior to 2004, the properties proposed to be rezoned from 3(2) to 2(2) were zoned 2a Residential. In the nine years since the introduction of the current zoning, there has been no application against any of these properties for development that could not be accommodated in a residential zone. There will still be a significant number of properties available for redevelopment for business or mixed use development in the remaining 3(2)-zoned land in Morisset Town Centre, particularly in the block bounded by Doyalson Street, Yambo Street, Station Street and Newcastle Street, and along Bridge Street between Bakehouse Lane and Newcastle Streets.

D State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The proposal involves the rezoning of a relatively small area of existing urban land and is not likely to have a significant effect on the use of, or demand for, State or Commonwealth infrastructure. Adequate public infrastructure exists that will cater for the anticipated development provided for in the Planning Proposal.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

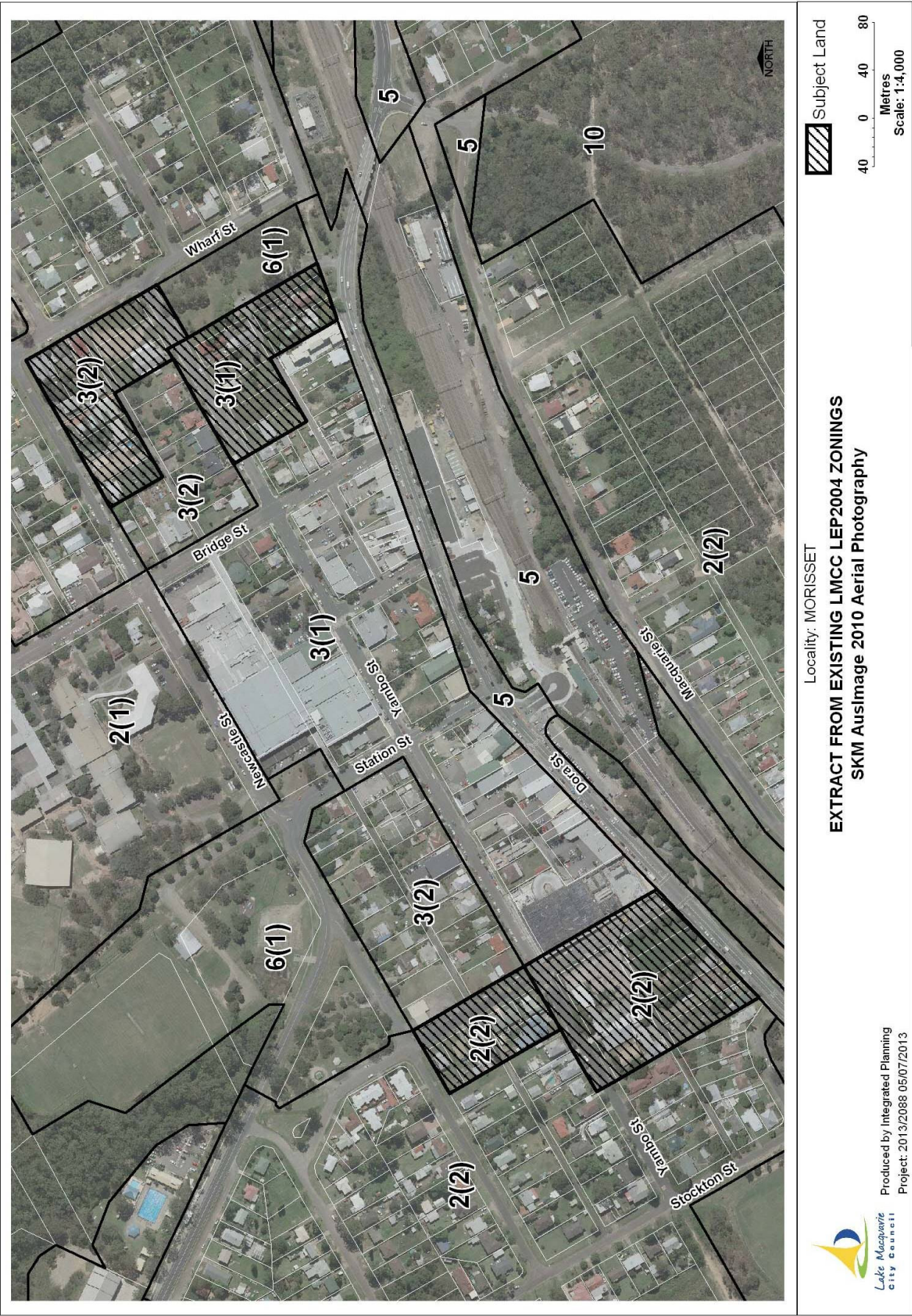
Relevant authorities have not been consulted at this stage. Consultation requirements directed by the Gateway determination will be followed.

Part 4 - Mapping

Attachment 1- Locality Map



Attachment 2 – Aerial Photo and Current Zoning – Lake Macquarie Local Environmental Plan 2004



Legend:

- 2(2)** Zone 2 (2) Residential (Urban Living) Zone
- 3(1)** Zone 3 (1) Urban Centre (Core) Zone
- 3(2)** Zone 3 (2) Urban Centre (Support) Zone

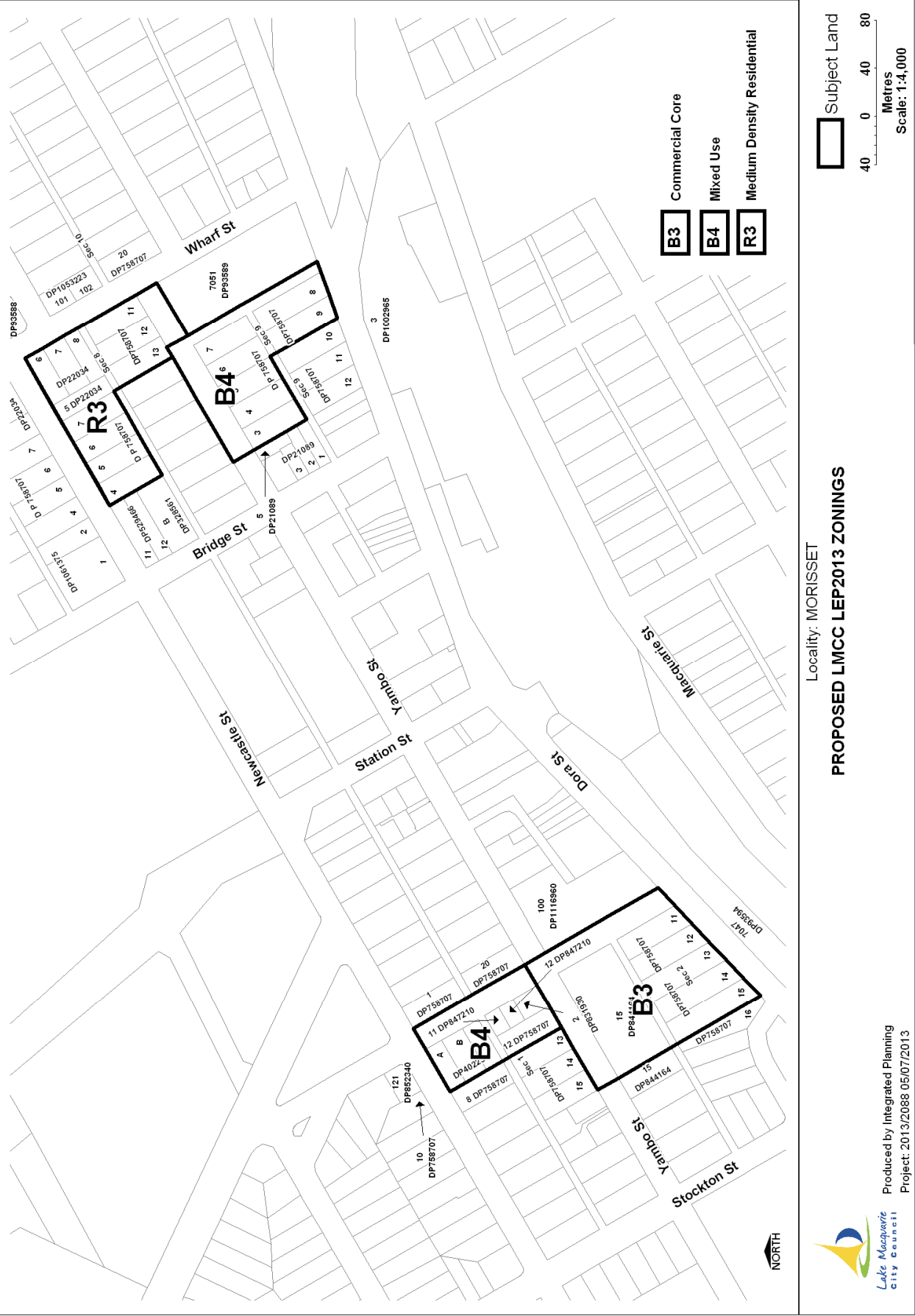
PROPOSED LMCC LEP2004 ZONINGS

A vertical number line with tick marks at 40, 0, 40, and 80.

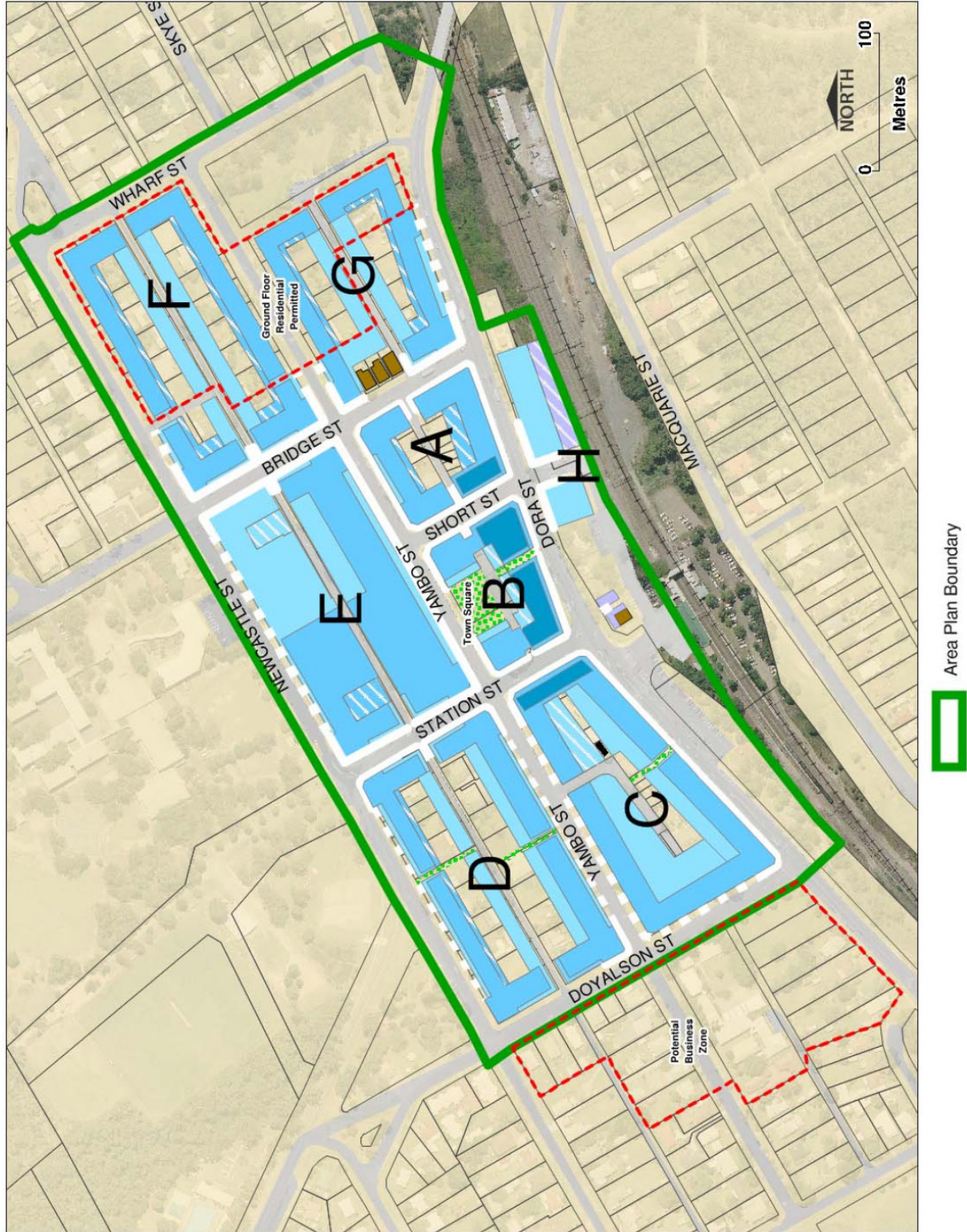
Metres
Scale: 1:4,000

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Attachment 4 – Indicative Proposed Zoning – Draft Lake Macquarie LEP 2013



Attachment 5 – Excerpt from Morisset Area Plan – Lake Macquarie Town Centres
Development Control Plan 2012



Part 5 - Details of Community Consultation

Council has undertaken preliminary consultation with potentially affected landowners by way of a letter (dated 17 May 2013) advising them of zoning changes being considered, and inviting their feedback. Some landowners have responded, wanting to know the effect rezoning may have on property values. This issue is discussed under Question 9, above.

The planning proposal will be exhibited in accordance with the Gateway determination. This section will be updated once community consultation occurs.

Part 6 – Project Timeline

An anticipated project timeline is provided below. The project timeline would be updated post Gateway Determination and is subject to the requirements of the Gateway Determination.

Task	Timeframe
Commencement Date – Gateway Determination	1 October 2013
Timeframe for completion of technical information	It is unlikely further technical information is required.
Government Agency Consultation	Allow 4 weeks. October 2013
Commencement and Completion Dates for Public Exhibition Period	2 November 2013 to 30 November 2013
Dates for Public Hearing	February 2014 if required
Timeframe for Consideration of Submissions	December 2013
Timeframe for Council consideration of a proposal post exhibition	10 February 2014 (10 March if hearing re'qd)
Submission to DoPI to finalise LEP	Late February 2014 (Late March if hearing re'qd)