

Lake Macquarie LEP 2004 and Draft Lake Macquarie LEP 2013 – Morisset Town Centre

Proposal Title : **Lake Macquarie LEP 2004 and Draft Lake Macquarie LEP 2013 – Morisset Town Centre**

Proposal Summary : **The planning proposal seeks to rezone land by redistributing and rationalising residential and business zones to facilitate the orderly expansion of Morisset Town Centre.**

PP Number : **PP_2013_LAKEM_012_00**

Dop File No : **13/13801**

Proposal Details

Date Planning
Proposal Received : **19-Aug-2013**

LGA covered : **Lake Macquarie**

Region : **Hunter**

RPA : **Lake Macquarie City Council**

State Electorate : **LAKE MACQUARIE**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **43 - 45 Dora Street**

Suburb : **Morisset** City : **Lake Macquarie** Postcode : **2264**

Land Parcel : **Lot and DP as per cadastre**

Street : **107-115 Dora Street**

Suburb : **Morisset** City : **Lake Macquarie** Postcode : **2264**

Land Parcel : **Lot and DP as per cadastre**

Street : **6 – 14 Doyalson Street;**

Suburb : **Morisset** City : **Lake Macquarie** Postcode : **2264**

Land Parcel : **Lot and DP as per cadastre**

Street : **5,6-14, 60, 61 Yambo Street**

Suburb : **Morisset** City : **Lake Macquarie** Postcode : **2264**

Land Parcel : **Lot and DP as per cadastre**

Street : **10-14 Wharf Street**

Suburb : **Morisset** City : **Lake Macquarie** Postcode : **2264**

Land Parcel : **Lot and DP as per cadastre**

Street : **22-30 Newcastle Street**

Suburb : **Morisset** City : **Lake Macquarie** Postcode : **2264**

Land Parcel : **Lot and DP as per cadastre**

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **Andrew Donald**
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DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Lower Hunter Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.60	Type of Release (eg Residential / Employment land) :	Both
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	4,000.00	No of Jobs Created :	121

The NSW Government Lobbyists Code of
 Conduct has been
 complied with : **Yes**

If No, comment :

Have there been
 meetings or
 communications with
 registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
 Notes : **As Lake Macquarie Standard Instrument LEP has been submitted to the Department under
 Section 68 and Council estimates that the planning proposal will be completed by
 February 2014, the report focuses on the Standard Instrument zones throughout the report
 for brevity. However, it is recommended that the Gateway require that the exhibition refer
 to amending both the existing and draft LEPs.**

External Supporting
 Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The statement of objectives explains that the purpose of the Planning Proposal is to rationalise residential and business zones in Morisset town centre consistent with a local strategy.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The explanation of provisions is adequate as it outlines the parameters required to amend the existing and future Lake Macquarie LEPs.

LAKE MACQUARIE LEP 2004

The proposal involves rezoning:

WESTERN

- 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);

EASTERN

- 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)

DRAFT LAKE MACQUARIE STANDARD INSTRUMENT LEP

Rezoning land in the town centre as follows;

WESTERN

- 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

EASTERN

- 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 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

The proposed changes will require amendments to other standard instrument maps:

Draft LMLEP 2013 Standard Instrument – Minimum Lot Size Map (LSZ_007)

- Minimum lot sizes would correspond to proposed zoning as follows: R3 – 900m²; 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.

It is noted that Council proposes to allow residential flat buildings in the B4 zone but only where the ground floor is used for business or retail premises. This additional local provision is proposed in the draft Lake Macquarie Standard Instrument and is currently under review by the Department.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.3 Mining, Petroleum Production and Extractive Industries

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.2 Mine Subsidence and Unstable Land

5.1 Implementation of Regional Strategies

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

S117 DIRECTIONS

Direction 1.1 Business and Industrial Zones – The proposal is inconsistent with Direction 1.1 as it does not retain all areas of the existing business zone.

The proposal is prepared in accordance with a local study [subclause (5)(b)], i.e. Morisset Structure Plan (MSP) and Morisset Town Centre Area Plan 2010 (MTCAP), which give consideration to the objectives of this Direction. The local studies were prepared in response to the Lower Hunter Regional Strategy 2006 which identified Morisset as an 'emerging major regional centre'.

The inconsistency is considered to be of minor significance because although it does not retain the location it does not result in a loss of business zoned land. However, as the planning proposal seeks to alter business zoned land, it is necessary to request the Director General's agreement to the inconsistency.

3.1 Residential Zones – The proposal is inconsistent with subclause (4)(a) as it will restrict and not broaden the choice of building types. It reduces residential land by 0.6 hectares where the residential building types are limited to those permissible in the B3 and B4 zones.

There are 13 actual residential lots to be rezoned and of these, 9 contain existing dwellings. The remaining 4 lots currently accommodate a Catholic primary school and church. However, these lots will retain dwelling entitlements through existing use rights.

The MSP identifies a number of greenfield sites around Morisset for potential urban

release. The MSP specifies a Low Growth scenario that caters for 800-1100 dwellings by 2028. Therefore the loss of 13 lots or 9 dwellings within the town centre is considered to be of minor significance. The Director General's agreement to the inconsistency with Direction 3.1 is sought in this instance.

4.2 Mine Subsidence and Unstable Land – the site is a proclaimed Mine Subsidence District and therefore it is necessary to consult with the Mine Subsidence Board.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The maps provided are adequate for community consultation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has proposed a 28 day consultation period. It is considered that this consultation period is appropriate as the planning proposal may result in some community response regarding the residential land adjoining the proposed B4 land.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **PROJECT TIMELINE**

Council's timeline nominates the Planning Proposal's completion by the end of February 2014, approximately seven (7) months after the Gateway Determination. A nine (9) month completion timeframe is recommended so as to provide an adequate buffer should unexpected delays occur.

DELEGATION AUTHORISATION

Council also requested the use of delegations in respect of the Minister for Planning & Infrastructure's plan making function under s59 of the EP&A Act for this planning proposal.

Delegation is recommended in this instance.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **November 2013**

Comments in relation to Principal LEP : The draft comprehensive Lake Macquarie LEP 2013 was exhibited from 21 November until 21 December 2012. Council have submitted the document to the Department under section 68, and it is expected to be completed later in 2013.

Assessment Criteria

Need for planning proposal : The planning proposal is considered necessary to realise the Lower Hunter Regional Strategy aspiration for Morisset to become a major regional centre. The key landowner on the Western site, has indicated to Council it is seeking a larger, constraint-free site in proximity to the town so that it might expand and offer a secondary school facility to the area.

Consistency with strategic planning framework :

A planning proposal is considered the most effective and timely method available to achieve the objectives and intended outcomes of the proposal.

LOWER HUNTER REGIONAL STRATEGY 2006 (LHRS)

Morisset is identified in the Regional Strategy as having key functions involving concentration of business, higher order retailing, employment and civic functions and facilities.

The Regional Strategy projects a total of 36,000 new dwellings in Lake Macquarie of which Morisset is to accommodate 600 dwellings along with 1600 new jobs. The planning proposal undertakes to fulfil these targets by facilitating the orderly expansion of the town centre.

LIFESTYLE 2030 STRATEGY

Lifestyle 2020 identifies Morisset within its Centres hierarchy consistent with the Regional Strategy.

The strategy encourages large scale development within the core and in doing so will generate employment in proximity to a major railway station.

Morisset is the focal point of the Morisset to Cooranbong growth and expansion corridor which is situated parallel the M1 Pacific Motorway (formerly F3 Freeway). The aim of the corridor is to increase retail and commercial development to support future additional population. The moderate addition of business zoned land [0.6 hectares] will assist in achieving this aim.

MORISSET STRUCTURE PLAN 2008 (MSP)

The MSP acknowledges that the town centre is adequate for existing conditions but does not allow for its future role as stated in the Regional Strategy. It is anticipated that the town may require a large footprint site for a discount department store which is not to be found in the existing subdivision pattern. The land identified for B3 and B4 is identified as a 'possible expansion area' in the MSP.

MORISSET TOWN CENTRE AREA PLAN 2010 (MTCAP)

The MTCAP identifies the Western site as a 'potential business zone' - see Figure 5 in the Planning Proposal. The MTCAP also states that if a development proposal for a large format commercial structure can not be accommodated in the existing commercial zone then the 'potential commercial area fronting Doyalson Street (currently the church and school) should be subject to further investigation'.

MTCAP shows the subject Eastern site between Bridge and Wharf streets as urban core and urban support and allowing ground floor residential. However, further analysis by Council determined the topography is unsuitable for retail.

Environmental social economic impacts :

ENVIRONMENTAL IMPACTS:

The subject site has been under urban use for sometime and does not contain significant ecological values.

SOCIAL IMPACTS:

Generally the planning proposal will contribute social benefits to the community by providing opportunities for the town centre to function more as a regional centre. On a micro level, the owners of land to be zoned from B4 to R3 may have concerns relating to reduced property prices. However, Council maintain that property prices are not adversely

affected by being converted to a residential zone. It is noted that dwelling entitlement will remain with the properties under existing use rights.

There are potential impacts on the residents adjoining to the west of the additional B3 and B4 land. There is no current development application to develop the church and school site nor has there been any direct inquiries for some years. Council indicates it is likely that the church and school will remain on the site for considerable time until Morisset reaches a critical mass capable of sustaining a higher order retail facility. Any impacts on adjoining residents can be assessed through a future development application.

WESTERN SITE: Church and school relocation:

Rezoning the church and school site will not result in the loss of the school to the community and subsequent adverse social impacts because the intention is to relocate within Morisset. Relocation is considered acceptable to the school as it is experiencing parking and traffic conflict between their own operation and the newly constructed Woolworths supermarket across the road.

The church and school seek to find a larger, greenfield site in proximity to the town that will allow an expanded campus to offer a secondary school if it should be required.

EASTERN SITE: Bridge and Wharf streets:

Prior to 2004 the Eastern subject site between Bridge and Wharf streets was zoned 2(a) Residential. Since 2004 the properties have been zoned 3(2) Urban Centre Support. There is no evidence over this time of development pressure for anything other than residential development types on these properties.

ECONOMIC IMPACTS:

There are positive economic impacts in providing a large format site within the town centre and this is documented in Council's local strategies (MSP and MTCAP). The Regional Strategy identifies the need and potential for Morisset to grow and provide higher order services and facilities. There is evidence of this potential already being realised through the construction of two new supermarkets in Morisset in the last 5 years. Despite the increase in retail service, Council claims that escape spending continues to go to surrounding higher order centres. Making a larger footprint site available within walking distance to the Morisset Train Station will provide a platform for Morisset to grow and will potentially contain more local expenditure.

TRANSPORT:

The Western site fronts Dora Street which is a classified road. It is recommended that the Roads and Maritime Services be consulted in this matter.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :	Mine Subsidence Board Transport for NSW - Roads and Maritime Services		

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **The application of the State Government levy is not required as the proposal relates to infill development and employment land.**

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal Morisset Town Centre.pdf	Proposal	Yes
Council report - Morisset Town Centre.pdf	Proposal	Yes
Lake Macquarie City Council_19-08-2013_Notification of Planning Proposal to amend Morisset Town Centre Zoning_.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.2 Mine Subsidence and Unstable Land**
- 5.1 Implementation of Regional Strategies**

Additional Information :

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - ☐ Roads and Maritime Services
 - ☐ Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

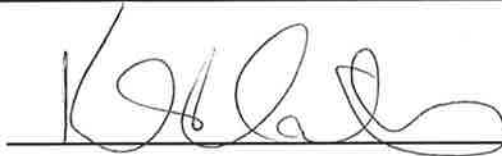
Lake Macquarie LEP 2004 and Draft Lake Macquarie LEP 2013 – Morisset Town Centre

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons :

1. Place on exhibition all lot and deposited plan numbers affected by the planning proposal.
2. The planning proposal fulfils the intent and purpose of the Regional Strategy's identification of Morisset as an emerging major regional centre.

Signature:



Printed Name:

KOFLAHERTY

Date:

29-8-13