# Appendix FOUR
## Council Report and Resolution
## *[25 November 2008]*

## 10.8 REZONING REQUEST - VARIOUS LANDS AT WINDERS LANE AND NEW ENGLAND HIGHWAY, LOCHINVAR

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|---|---|
| **File No:** | **RZ08002** |
| **Attachment/s:** | Nil |
| **Responsible Officer:** | **Leanne Harris - Group Manager Service Planning and Regulation**<br>**Monica Gibson - Manager City Strategy** |
| **Author:** | **Deborah Gordon - Strategic Town Planner** |

### EXECUTIVE SUMMARY

*Further to the adoption of the Lochinvar Structure Plan which provides a framework for the future growth and development of the Lochinvar area, two rezoning requests have been received by Council for consideration. It is requested that land in the south eastern part of the study area surrounding and including the 'Airds of Lochinvar' site, and land on the corner of Robert Road and Christopher Road be investigated for future urban development.*

*The subject land is mostly located within the boundaries of the Structure Plan. Whilst individual background planning studies have been prepared for both rezoning proposals, the cumulative impacts of the development of the study area are to be assessed. As such, a Local Environmental Study is now required to be prepared for the whole of the study area to provide the next level of detail including possible zone boundaries, road hierarchies, development precincts and infrastructure needs.*

*Due to the size of the Lochinvar study area and the number of individual landowners, it is recommended that a reference group be established to progress the preparation of the LES and negotiate funding arrangements for the studies required. The scope of the study will be determined in consultation with Council, Government Agencies and the landholder reference group, with the LES to be prepared and submitted to Council for assessment by the reference group or representative. The LES will then be referred to the Government Agencies for their review and placed on public exhibition for consideration.*

*The LES will provide the detailed framework for a strategic Master Plan and contribute towards the development of precinct plans for the future staged release of land. It is intended that the land will be identified as an Urban Release Area with some land identified for immediate rezoning in conjunction with the implementation of the Comprehensive Maitland LEP 2011. A staging plan will identify the potential rezoning and release of the remaining development precincts.*

*This report is referred to Council to receive the information regarding the commencement of rezoning studies for the Lochinvar area and to resolve to proceed with the assessment of the rezoning and consultation processes and seek nominations for a reference group. The progression of the statutory rezoning process will be incorporated into the development of the Maitland LEP 2011.*

REZONING REQUEST - VARIOUS LANDS AT WINDERS LANE AND NEW ENGLAND HIGHWAY, LOCHINVAR (Cont.)

**OFFICER'S RECOMMENDATION**

**THAT**

1. **Council receive and note the rezoning request for land identified as "Lochinvar Estate" and "Lochinvar Green" and resolve to proceed with the rezoning of lands within the Lochinvar Structure Plan in conjunction with the preparation of the Maitland LEP 2011.**
2. **Council resolve to seek nominations for the establishment of a reference group to represent the landholders to guide the preparation of the LES, with a further report to Council to accept the nominations to the group and endorse the terms of reference for that group.**

**COUNCIL RESOLUTION**

**THAT**

1. **Council receive and note the rezoning request for land identified as "Lochinvar Estate" and "Lochinvar Green" and resolve to proceed with the rezoning of lands within the Lochinvar Structure Plan in conjunction with the preparation of the Maitland LEP 2011.**
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**Moved Clr Geoghegan, Seconded Clr Procter**

**CARRIED**

The Mayor in accordance with Section 375A of the Local Government Act 1993 called for a division.
The division resulted in 11 for and 1 against, as follows:

| | | | |
|---|---|---|---|
| For: | Clr Baker | Against: | Clr Meskauskas |
| | Clr Blackmore | | |
| | Clr Casey | | |
| | Clr Fairweather | | |
| | Clr Garnham | | |
| | Clr Geoghegan | | |
| | Clr Humphery | | |
| | Clr Mudd | | |
| | Clr Penfold | | |
| | Clr Procter | | |
| | Clr Wethered | | |

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## REPORT

### Background

Lochinvar was identified in the 2006 Maitland Urban Settlement Strategy as a Deferred Investigation Area pending further investigation of suitable lands for urban development. In response to the Lower Hunter Regional Strategy which identified Lochinvar as a priority area to accommodate regional population growth, and the increased demands for urban land supply in the Maitland LGA, a study of the Lochinvar area was undertaken by Council in 2006/07.

The strategic study identified a potential development area and established guiding principles for the future development of land. Following an extensive public consultation phase, the Lochinvar Structure Plan was adopted by Council at their Ordinary Meeting of 9 October 2007. The Maitland Urban Settlement Strategy was also amended at this time to identify the Lochinvar Structure Plan Area as a Category 1 priority for residential development.

The Lochinvar area represents an opportunity for the expansion of an existing community, with relatively few and manageable development constraints. It is envisaged that the Structure Plan will provide for expanded urban development and associated facilities and services in the form of walkable neighbourhoods clustered to form towns. The objective of the Structure Plan is to ensure that growth takes place in a coordinated and sustainable manner, and in response to the character of Lochinvar.

The Lochinvar Structure Plan boundary occupies an area of approximately 650 hectares and aims to provide a residential urban release area accommodating 5000 lots or the equivalent of a community of 12,500 people.

Whilst the Structure Plan identified the broad issues and established planning goals and objectives for the emerging town, specific studies are now required to be undertaken to establish the potential landuses, densities, and infrastructure needs to enable Lochinvar to develop as an Urban Release Area.

REZONING REQUEST - VARIOUS LANDS AT WINDERS LANE AND NEW ENGLAND HIGHWAY, LOCHINVAR (Cont.)

**Proposal**

Council has received two rezoning requests for land at Lochinvar. One rezoning application received by Council relates to land identified as "Lochinvar Estate". It encompasses four large holdings (or part of) located on the southern side of the New England Highway and the western side of Winders Lane, Lochinvar, east of the existing township.

The properties are identified as:

- Lot 1819 DP 1124571 – 853 New England Highway, Lochinvar
- Lot 1 DP 718712 – 805 New England Highway, Lochinvar
- Lot 3 DP 718712 – 801 New England Highway, Lochinvar
- Lot 311 DP 1034974 (part of) – 45 Christopher Rd, Lochinvar

The second rezoning request adjoins "Lochinvar Estate" to the west on the corner of Robert Road and Christopher Road (unformed) and is known as "Lochinvar Green".

The properties are identified as:
Lot 1 DP 1097563 – 170 Robert Road, Lochinvar
Lot 2 DP 1097563 – 550 Robert Road, Lochinvar

The location of both study areas relative to the boundaries of the Lochinvar Structure Plan are identified in Attachment 1 (Map 1).

Two separate background planning assessments have been prepared and submitted to Council for review. The proposals seek to rezone the study areas to facilitate urban development. The proposed future landuses requested include residential, a low density residential/environmentally sensitive precinct, a commercial precinct surrounding the Airds building, and environmental protection land to provide buffers along the main creek lines.

Four (4) existing residences are located within the study areas, along with the Airds of Lochinvar rural clothing store and a number of ancillary structures and farm sheds. The land is surrounded by homes on small acreages. The land in the east is used for limited cattle grazing while land to the west has been associated with horse training activities. The study area is primarily cleared grassland with some scattered trees present.

It is intended that these rezoning requests will trigger the commencement of studies for the whole of the Lochinvar Structure Plan area to form a complete Local Environmental Study (LES) in accordance with Council's LES protocol for major urban release areas. The background studies that have been completed for the individual sites may contribute towards the assessment process but the findings of the study need to incorporate the whole Structure Plan area.

**Planning Context**

The land is subject of the rezoning proposal, along with the majority of Lochinvar, is currently zoned 1(b) Secondary Rural Land under the provisions of Maitland LEP 1993. The existing established housing area within Lochinvar is zoned Residential 2(a).

The study areas are located within the boundaries of the Lochinvar Structure Plan, adopted by Council on 9 October 2007. It is identified as Category 1 Residential land in the Maitland Urban Settlement Strategy 2007. The draft 2008 MUSS currently underway proposes to continue to identify the land as Category 1 Residential lands.

The Lochinvar Structure Plan (SP) identifies the majority of the study area as potential residential land, with environmentally sensitive land fronting the New England Highway (NEH) largely due to noise and visual impacts, and in other areas with potentially high visual or environmental impacts. The density of development will depend on the individual constraints of each precinct. Specific treatment considerations are identified within the SP for the environmentally sensitive land.

Parts of the Structure Plan area are also identified as Master Plan sites. In particular the rezoning requests include "Master Plan Site – Airds of Lochinvar". This applies to both the Airds building and its surrounding land (mostly its frontage) requiring site specific and detailed investigation to determine its iconic value and the most appropriate future use of both the land and the building. Other Master Plan sites identified in the structure plan area are St Helena, and the Stations of the Cross (St Joseph's convent site).

**Rezoning Framework**

Subject to the review of the Settlement Strategy and the recommendations to the LES, it is intended that Lochinvar will be incorporated into the Maitland LEP 2011 as an Urban Release Area (URA) with a first stage area zoned and ready for development following the adoption of the LEP. The rezoning and development process of other land within the identified URA can then commence as the demand requires in accordance with Council's new City Wide LEP.

To enable Lochinvar to be identified as an Urban Release Area (URA), and to identify the future land use zonings, a Local Environmental Study (LES) is required to be prepared for the whole Structure Plan area. The LES is to incorporate the outcomes of the studies already prepared in conjunction with the SP, any additional specific studies necessary to address the requirements of the SP, and the requirements of the government agencies yet to be sought.

Where development relating to the Master Plan sites has already been approved, or development already exists within the Structure Plan area such as the established urban areas, specific investigations for the LES may not be required. However the LES will still be required to address the sites or areas to establish development constraints and opportunities and a preferred future land uses, to enable the land to be rezoned in accordance with the Structure Plan recommendations, the new template LEP requirements and the recommendations of the broader studies (such as drainage, and traffic management).

Shared arrangements for the preparation of the studies for the LES will be made with the interested parties, Council, and Government agencies providing input where appropriate.

## Reference Group

In this regard, it is intended to establish a reference group to represent landholders and developers to guide the research process. A key role of the group will be to manage the preparation of the studies required by the LES and negotiate funding arrangements between the various individual landholders which may benefit from the future rezoning of their lands. There are in the order of 70 individual landowners within the Structure plan area, excluding the established residential built up areas in Lochinvar. Due to the large number of landowners affected, a representative group is necessary in order for a complete environmental assessment to be undertaken and an LES to be prepared encompassing all of the properties and to enable direct communication between Council and other Government Agencies in the preparation and assessment of such information.

The reference group will also be responsible for the dissemination of information between Council and the individual landholders informing them of the progress of the investigations. The reference group is to be established in an advisory capacity only and will have no approval role in the consideration of the rezoning of lands. Formal public exhibition of the completed environmental studies will follow the government consultation process.

It is intended that nominations be sought for the establishment of a reference group at this stage to enable discussions with potential developers to proceed. The formal terms of reference for the group will be prepared following the nomination process and the matter will be reported back to Council for discussion. The reference group is expected to comprise of around seven landholder representatives along with Council staff and nominated Councillors.

It is requested that Council resolve to seek nominations for the reference group, with a further report to be referred to Council to accept nominations to the group and the terms of reference for the group.

Following discussions between the reference group, government authorities, and Council to determine the scope of works, and the preparation of the LES, further consultation is necessary with the relevant public agencies to enable public exhibition of the information complied. As resolved by Council in the adoption of the Structure Plan, continued consultation with the community will occur at this stage to ensure that residents are informed and are able to participate in the decisions concerning the future development of Lochinvar based on the outcomes of the LES.

## Preliminary Issues Arising

The key issues arising from the preparation of the Lochinvar Structure Plan and requiring assessment within the LES include the following:

- Drainage

The limit of the Lochinvar study area was generally restricted to the known 1%AEP flood event. The Lochinvar area however has a number of watercourses and drainage paths through it which in some cases create localised flooding in storm events. The Structure Plan identified the opportunity for the retention of buffers

along the main corridors to provide both drainage and revegetation opportunities and pedestrian linkages throughout the site.

Drainage and stormwater patterns for the study environment are to be investigated to address trunk drainage, stormwater detention, and water quality control. The study is to include an analysis of the pre-developed and post-developed flows with proposals of how to reduce the post-developed flows. The study should specifically address impacts on the Lochinvar Creek system. Council is presently undertaking a flood study for the Hunter River upstream of Oakhampton which will provide current flood information to assist with the drainage study.

- Flora and Fauna

Threatened species have been identified in the background studies as using or potentially frequenting parts of the study area. Council is required to consult with the Director General of the NPWS in accordance with Section 34A of the EP&A Act 1979 before preparing an environmental study of DLEP. A detailed section 5A assessment of the EP&A Act 1979 should be undertaken to determine the cumulative extent of the impact of development of the Lochinvar SP area.

- Traffic

The Structure Plan identified existing and proposed future intersection locations with the NEH and a major route connection through the study area. The Winders Lane intersection was excluded from the SP as a main intersection for future residential development, with traffic to be directed to the Airds location. The design of the upgrading works required for the NEH and the treatment of the intersections with the NEH still need to be determined, along with the internal road hierarchy and layout.

Further consultation with the RTA is to be undertaken to determine their requirements for connections with the State highway. In addition, Council determined with the adoption of the SP to undertake a traffic study and develop a transportation strategy for the urban release area. This study is currently underway by consultants engaged by Council.

- Utilities, Services and Infrastructure

Utilities, services and infrastructure are available and will require augmentation to service the proposed expanded population, along with the provision of new services and facilities (recreational, commercial, and cultural) where necessary.

Infrastructure planning for the new development area is a critical component to the progression of Lochinvar as an URA. The Hunter Water Corporation will be integral in decisions regarding the provision of reticulated water and sewerage and the timing and the staging release whilst the NSW Hunter New England Area Health has undertaken to prepare a Social Impact Assessment to determine the social infrastructure requirements for the expanded population. Council will continue to consult with the relevant authorities to determine their requirements and assist where possible in the preparation of these studies.

- Visual Assessment

During the preparation of the SP a visual assessment was prepared for the Lochinvar SP area. The key issues relate to:

- Protection of the visual catchment of Lochinvar;
- Airds of Lochinvar building and site;
- St Helena site;
- Stations of the Cross (St Josephs of Lochinvar site);
- Approaches into Lochinvar.

Further assessment of this issue is required to maintain the integrity of the existing township of Lochinvar and ensure the harmonious development of the surrounding lands. With the adoption of the SP, Council has undertaken that an Urban Design Study would be prepared identifying broad land use principles incorporating the development of each precinct across the Lochinvar study area.

- Heritage

A number of sites with heritage significance are located within the structure plan area. In addition, an Aboriginal cultural heritage and archaeological assessment of specific sites within the study area has been undertaken with assistance from interested Aboriginal groups and individuals, identifying a number of sites. The assessment concludes that the sites are considered to be of low archaeological significance due to their landscape setting, condition and content.

A comprehensive heritage assessment is required to be prepared over the whole study area for incorporation into the LES. Consultation with the NSW Heritage Office, NPWS and local Aboriginal groups will be required to determine the future of any identified sites and/or artefacts.

- Acoustics

An acoustic assessment was undertaken in conjunction with the preparation of the SP. The noise constraints of the site have been mapped in the Structure Plan. The study area is affected by noise associated with both vehicular traffic from the NEH and the rail line to the south. Development will be restricted upon the Category 3 land along the NEH and the rail corridor, whilst development within the Category 2 area will require noise attenuation.

## CONCLUSION

Consideration of these matters and any other specific requirements determined by Council and the Government Agencies will be required to be assessed and addressed in a Local Environmental Study encompassing the whole of the Structure Plan area.

The LES will enable the preparation of a strategic Master Plan for the study area to ensure the timely provision of services and infrastructure and the adequate protection of the built and natural environment for the Lochinvar Urban Release Area.

Lochinvar has been recognised by Council and the Department of Planning as a future urban growth centre and Council has previously resolved to investigate its development potential further in conjunction with the review of Maitland LEP 1993 and the preparation of the Comprehensive LEP 2011.

The rezoning requests are referred to Council for information and to acknowledge the desire for landowners in the Lochinvar area to proceed with the investigations for the development of their land. It is recommended that Council resolve to continue with the rezoning process to enable the detailed investigation and exhibition phases required as part of the assessment to proceed. It is also recommended that Council resolve to seek nominations for a reference group to represent the landholder groups to guide the preparation of the LES.

## FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

Council has undertaken to continue to prepare a number of studies to assist with the implementation of the Structure Plan and will therefore require sufficient funding to complete these. Individual landholders will be responsible for the preparation of the relevant studies necessary to address the constraints and opportunities of their land. There are no direct financial implications for Council with the consideration of this rezoning request.

## POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

The rezoning of lands will be consistent with the Lochinvar Structure Plan and the Maitland Urban Settlement Strategy, which have been prepared in accordance with the Department of Planning's Lower Hunter Regional Strategy. A Master Plan and Development Control Plan will be prepared to guide the future development of the urban release area following the rezoning of the lands.

## STATUTORY IMPLICATIONS

There are no statutory implications under the Local Government Act 1993 with this matter. The rezoning of the land will follow the necessary statutory processes in conjunction with the preparation of the Maitland LEP 2011.

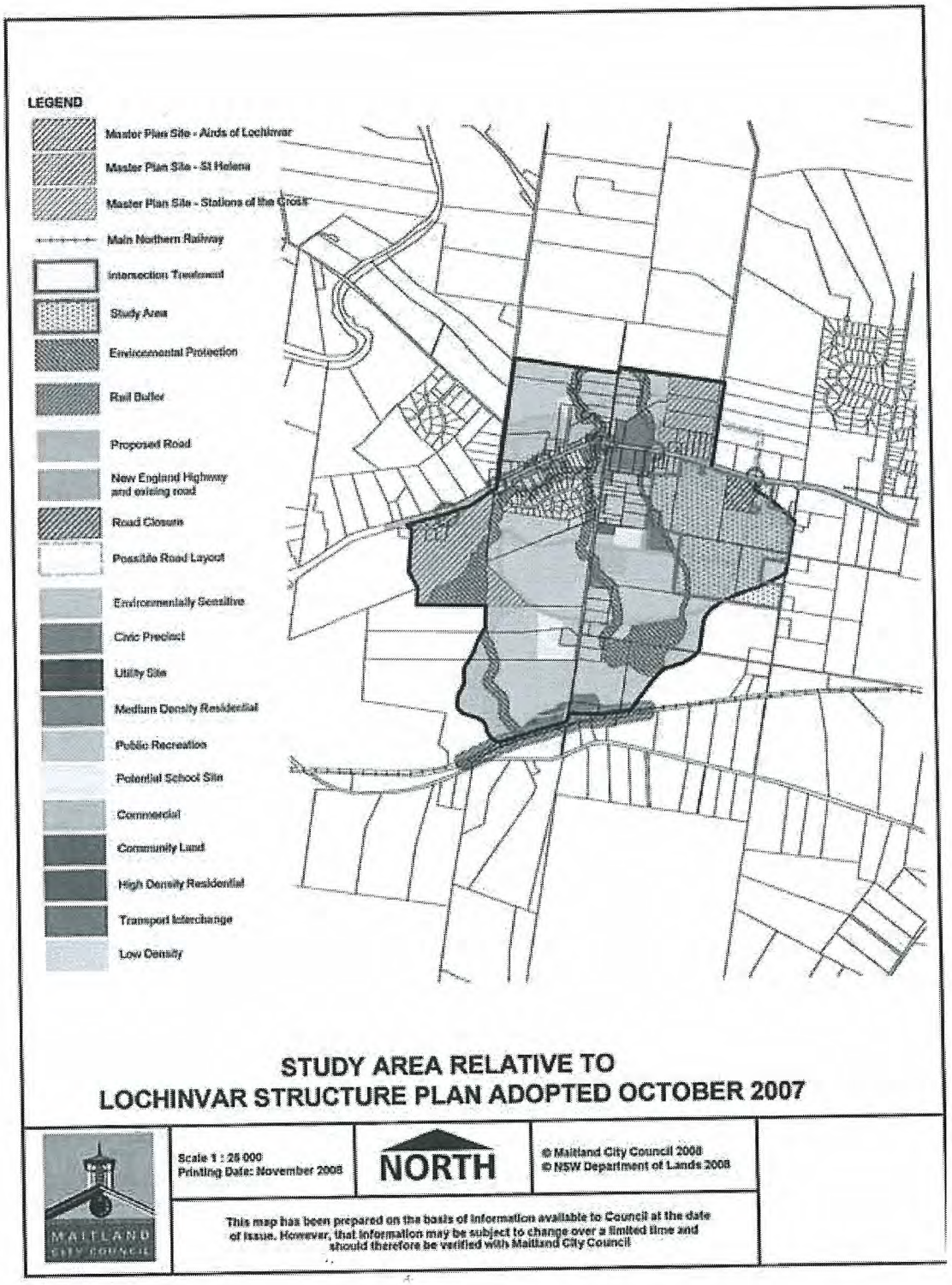
# Officers Reports

# REZONING REQUEST – VARIOUS LANDS AT WINDERS LANE AND NEW ENGLAND HIGHWAY, LOCHINVAR

## Study Plan

**Meeting Date: 25 November 2008**

**Attachment No : 1**

**Number of Pages : 1**

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