

Newcastle LEP 2012 Amendment - Rail Corridor and certain adjacent lands

Proposal Title : **Newcastle LEP 2012 Amendment - Rail Corridor and certain adjacent lands**

Proposal Summary : **The planning proposal will amend the Newcastle LEP to rezone the now surplus rail corridor land between Worth Place and Watt Street together with the Newcastle Train Station and apply relevant planning controls (building height, floor space ratios, minimum lot sizes), in order for the land to be redeveloped. The proposal also amends the planning controls for certain adjacent land.**

PP Number : **PP_2016_NEWCA_007_00**

Dop File No : **16/13966-1**

Proposal Details

Date Planning : **11-Nov-2016**

LGA covered : **Newcastle**

Proposal Received :

Region : **Hunter**

RPA : **Newcastle City Council**

State Electorate : **NEWCASTLE**

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

LEP Type : **Spot Rezoning**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **Surplus rail corridor (approximately 1.53 km in length) bounded by Wharf Road, Watt Street, Hunter Street, Scott Street, and Worth Place, and the Newcastle Train Station and associated bus facility, as well as additional adjacent land at 6 Workshop Way, 426 Hunter Street, 414 to 422 Hunter Street, 484-488 Hunter Street, 352 Hunter Street, 342 Hunter Street, 336 Hunter Street.**

DoP Planning Officer Contact Details

Contact Name : **Katrine O'Flaherty**

Contact Number : **0249042710**

Contact Email : **Katrine.OFlaherty@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Steven Masia**

Contact Number : **0249742817**

Contact Email : **smasia@ncc.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Hunter Regional Plan 2036	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	4.20	Type of Release (eg Residential / Employment land) :	Both
No. of Lots :	0	No. of Dwellings (where relevant) :	585
Gross Floor Area :	0	No of Jobs Created :	0

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 : **The proponent Urban Growth NSW lodged a Planning Proposal with Newcastle City Council in July 2016. The planning proposal was amended by council staff and considered by the elected Council in September 2016, Council resolved to defer the matter pending further information. Following further consideration, on 13 October 2016, Newcastle City Council resolved to endorse this planning proposal to enable mixed use development, public recreation and tourist uses and sought a gateway determination.**

Council's initial request was received on 26 October 2016 and assessment commenced. Further information was sought and received 11 November 2016, it is this date that the proposal was considered adequate for assessment.

External Supporting Notes : **The NSW Government's strategy for revitalising the Newcastle City Centre includes the introduction of light rail to replace the former heavy rail connection between Wickham and Newcastle Station. The light rail will proceed along part of the former heavy rail corridor until Worth Place, where it continues along Hunter Street.**

This planning proposal relates to the future use of the remainder of the corridor between Worth Place and Watt Street and the Newcastle train station and associated bus facility, that is no longer required for rail purposes.

Council seeks to rezone the land from SP2 Infrastructure (Railway) to a mix of B4 Mixed Use zone, RE1 Public Recreation zone and SP3 Tourist zone and apply associated planning controls such as height, minimum lot size and floor space.

Council has included additional land adjacent to the corridor currently zoned B4 Mixed Use and proposes to also make amendment to the planning controls that apply to this land. This includes;

- reduction in building heights to properties facing Hunter Street, between Civic and Merewether Street (414 to 426 Hunter Street).**
- identification of 352 Hunter Street as a key site requiring a design competition.**
- correction of mapping anomalies for some other land adjoining the rail corridor,**

including 336 and 342 Hunter Street, which are currently zoned B4 Mixed Use, but no height and floor space ratio controls are provided.
- identify land for acquisition for a new public accessible link between 484-488 Hunter Street.

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : The proposal will amend the Newcastle LEP to rezone the now surplus rail corridor land between Worth Place and Watt Street and apply relevant planning controls (building height, floor space ratios, minimum lot sizes). The proposal will also rezone the Newcastle Train station and associated bus facility and reduce the permissible height. This will enable the land to be redeveloped for commercial, educational, residential accommodation, public recreation and visitor and tourism uses, in line with broader state and council initiatives to revitalise the city centre.

The proposal contains LEP amendments for land outside of the rail corridor. These additional items are noted on page 3 but are not referred to in the PP's title, summary and justification nor readily noted on any mapping. Council will be encouraged to more clearly identify these additional amendments to affected landowners and the broader community.

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

Is an explanation of provisions provided? **Yes**

Comment : The explanation of provisions propose to amend the Newcastle LEP as follows:
* Zone SP2 Infrastructure (Railway) to be rezoned to B4 Mixed Use, RE1 Public Recreation Zone, and SP3 Tourist Zone.
* Additional land to the rear of Newcastle Museum be rezoned from B4 Mixed Use to RE1 Public Recreation.
* Height of building map to provide for a range of heights that respect the built heritage of the city, and facilitates reasonable daylight access to developments and the public domain. Floor Space and Minimum Lot size controls also to be applied.
* Land reservation acquisition map to identify land to acquire for new public link between Civic Lane and Hunter Street.
* Identification of key sites (parcels 8, 12, and 16) to require an architectural design competition.

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
- 2.2 Coastal Protection
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

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

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

- SEPP No 44—Koala Habitat Protection
- SEPP No 55—Remediation of Land
- SEPP No 71—Coastal Protection

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

The Department is currently consulting on an improved policy framework for voluntary planning agreements (VPAs). Council is encouraged to consider the draft material in respect to their negotiations with Urban Growth to ensure that;

- public benefit from the VPA relates to the development;
- a fair, reasonable and transparent VPA negotiation process occurs; and
- appropriate infrastructure is identified through an assessment of local community needs.

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

If No, explain :

The submitted proposal is not consistent with the Standard Instrument LEP Order 2006 in the use of the SP3 Tourism zone and items listed in the land use table. This matter is further discussed in the assessment.

Consistency or otherwise with s117 direction 6.2 Reserving Land for Public Purposes cannot be currently determined. Further information is required and the matter will be reviewed following public exhibition. This matter is further discussed in the assessment.

The identification of key sites, requiring an architectural competition or the Director General's approval to waive such a competition is inconsistent with s117 directions 6.1 Approval and Referral Requirements and 6.3 Site Specific Provisions. This matter is further discussed in the assessment.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Mapping has been provided by Council. Council is encouraged to clearly explain the proposed changes on a parcel by parcel basis during community consultation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

28 days of community consultation has been proposed. This length of time is supported as the planning proposal relates to land that has historically generated significant levels of interest within the community.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

Newcastle LEP 2012 commenced 15 June 2012.

Assessment Criteria

Need for planning proposal :

This planning proposal relates to the future use of the portion of the former rail corridor between Worth Place and Watt Street, together with the Newcastle Train Station and

associated bus facility, that is no longer required for rail purposes.

Use of the land is limited without an amendment to the Newcastle LEP 2012. In particular an amendment is required to rezone the land to permit other uses and apply relevant planning controls (building heights, floor space ratios, minimum lot sizes).

Council has also taken the opportunity to make amendments to planning controls on adjacent land. These changes are not the result of any specific strategy or study but have been identified by Council as contributing to the active, vibrant and high amenity streetscape and public open spaces and require a planning proposal to amend the Newcastle LEP 2012.

Consistency with strategic planning framework :

The Hunter Regional Plan 2036 recognises the commitment to revitalise the Newcastle City Centre, as part of achieving the regionally focused goal of “the leading regional economy”. Direction 3 of this goal, “Revitalise Newcastle City Centre” outlines specific actions. The proposal is consistent with this direction as the proposed rezoning seeks to allow redevelopment for commercial, educational, residential accommodation, public recreation and visitor and tourism, as well as opportunities to more closely link the waterfront with the city. Due to timing of the preparation of Council's Planning proposal the Planning Proposal does not refer to the Hunter Regional plan. Council will be asked to update the planning proposal prior to exhibition to rectify this.

The Lower Hunter Regional Strategy continues to apply to the site. The Strategy identifies Newcastle as the prominent Regional City of the Lower Hunter. The Strategy aims to create an additional 10,000 jobs within the city centre and an additional 4000 dwellings. The planning proposal will contribute to generating employment and housing opportunities within the city centre, and is consistent with this Strategy.

The Newcastle Urban Renewal Strategy 2012 and 2014 Update applies to the Newcastle City Centre including the site. The proposed rezoning is consistent with the Strategy as it will provide opportunity for increased economic growth, viability, variety and competition, as well as opportunities to more closely link the waterfront with the city. The additional pedestrian connection between Hunter Street and Wright Lane and the Darby plaza recreational space were not identified within this strategy. The planning proposal would benefit from further explanation regarding the strategic justification for these specific decisions.

The Newcastle Council 2030 Community Strategic Plan outlines a vision of vibrant and activated public places, a liveable and distinct built environment, a caring and inclusive community, and a connected city. The planning proposal will facilitate increased public spaces which will improve the connection between the city and the harbour, and the proposed height restrictions will maintain and enhance the distinct built environment. Additionally, RE1 Public Recreation and SP3 Tourism zones will facilitate equal access and opportunity for use of facilities and social interaction, consistent with the vision of a caring and inclusive community.

The planning proposal is consistent with the Council's Local Planning Strategy. The proposed rezoning of land for mixed use and public open space, as well as improved connectivity between the city and the waterfront, is in line with the Strategy's objectives of re-enforcing Newcastle City Centre as a vibrant regional hub, and that land use and development will enhance access to the harbour.

The proposed additional three parcels of RE1 Public Recreation land are considered by Council as consistent with Council's Parkland and Recreation Strategy. This Strategy identifies the existing supply of recreation land and establishes benchmarks for the size and supply of this land. The Strategy does not identify a shortfall of recreational space in the city. However it does recognise that, as population growth and higher density development occurs, increased demands on such spaces occur.

The planning proposal seeks to introduce a new zone SP3 Tourism into the LEP. Departmental policy regarding providing for tourism in standard instrument LEP's is outlined in the Standard Instrument Order 2006 (in relation to the types of uses permissible in the zone) and Practice Note PN 09-006 and PN 11-002. The application of this zone to the Newcastle Railway Station is supported as it reflects the public significance of the site and its iconic potential. Minor changes will be required to the land use table.

However the application of the SP3 zone to the western portion of Parcel 12 (approximately 750m2) as proposed is not considered consistent with state policy. Council have indicated that the site represents a 'bookend' to the recreational space and that the permissible land use should complement that space. Council has argued that experience within the CBD has demonstrated that residential development is not complementary to active open spaces and have selected the SP3 zone to limit residential development. This justification is not considered consistent with the department's intentions for this zone. The

SP3 Tourist zone is for locations where tourism is a specific desired use but cannot otherwise be readily be accommodated within the existing zone. The use of the newly introduced zone for a prohibitive purpose, presents a precedent for Newcastle and broader state planning and cannot be supported.

Council has considered the B4 zone proposed by the proponent and deemed it unsuitable because of the permissible 'residential accommodation', which would 'remove the site from the public realm and conflict with the...vibrant entertainment precinct'. Given the range of uses permissible in the SP3 (all aspects of commercial premises and tourist and visitor accommodation) potential conflict remains and will be required to be resolved through the DCP provisions and subsequent development assessment regardless of the underlying zone.

Council staff have also indicated that an alternative approach, using the RE1 Public Recreation zone with additional permitted uses (including commercial) may be considered. However the use of the RE1 zone, with considerable additional permitted uses, would be difficult to support.

The proposed amendment for Parcel 12 is further complicated by the undetermined future for the adjacent council owned car park. Council's planning proposal identifies the opportunity for a consolidated development lot to achieve an improved design outcome in the area. However consideration of this site has not been undertaken because it would require additional processes (including a reclassification of the council owned land) and would potentially add to community confusion regarding the planning proposal process.

Due to the lack of support for any of the proposed zones for Parcel 12 and the uncertainty established around the future use of the site in relation to the adjacent car park, it is recommended that parcel 12 be removed for the planning proposal as a condition of the Gateway. A separate planning proposal for Parcel 12 and the car park could be commenced and proceed as a separate matter. This would allow for further consideration of the appropriate zone and development controls and facilitate a single amendment to the consolidated developable area.

State Environment Planning Policies

Council has identified the following SEPP's as applicable:

SEPP No. 44 Koala Habitat Protection

This SEPP applies to the entire local government area, however Council has determined that the land does not consist of areas of koala habitat. The subject land is largely devoid of vegetation and this position is supported.

SEPP No. 55 Remediation of Land

The planning proposal is consistent with this policy. The planning authority has considered whether the land is contaminated, and is satisfied that the land is suitable in its contaminated state, or will be suitable after remediation, for all the purposes for which the land in the zone concerned is permitted to use.

SEPP No. 71 Coastal Protection

The planning proposal is consistent with this policy, as it encourages compact cities by allowing for increased density, improves existing public access to and along coastal foreshores (through RE1 Public Recreation zone).

Section 117 Directions

Council has identified the following 117 Directions as applicable:

1.1 Business and Industrial Zones: The planning proposal is considered consistent with this direction as it will encourage employment growth in suitable locations, and support the viability of identified strategic centres

2.2 Coastal Protection: The planning proposal is considered consistent with this direction as it does not impact or would not be impacted by coastal processes or hazards, despite being located within the Coastal Zone, and the proposed height of buildings will ensure

appropriate bulk and scale for this coastal location.

2.3 Heritage Conservation: The planning proposal is considered consistent with this direction as it provides for the protection of existing heritage items through the provisions of the Newcastle LEP 2012.

3.1 Residential Zones: The planning proposal is considered consistent as it will broaden the choice of building types and locations available in the housing market to provide for existing and future needs through the rezoning of some land to B4 Mixed Use zone, make efficient use of existing infrastructure and services, and minimise the impact of residential development on environmental and resource lands.

3.4 Integrating Land Use and Transport: The planning proposal is consistent with this direction as it will facilitate commercial and residential development within walking distances to transport and services.

4.1 Acid Sulfate Soils: This policy is applicable as areas of high and low probability of acid sulfate soils at depths between 1 m and 3 m below the ground surface of the land have been identified. Potential impacts can be managed with the remediation of works to be carried out and with the implementation of an acid sulfate soils management plan. Acid sulphate soils will be required to be addressed prior to any development on the site. The planning proposal is technically inconsistent with the policy, however it is of minor significance because the provisions of Newcastle LEP 2012 provide adequate management for acid sulfate soils at the development stage.

4.2 Mine Subsidence and Unstable Land: The majority of the land is located within the Newcastle Mines Subsidence District. The Mine Subsidence Board has been consulted and they have no objection to the draft LEP Plan. Additionally, the Mine Subsidence Board has ascertained that the land within the Newcastle Mine Subsidence District is "Guideline No. 9", which allows buildings of up to three storeys and 30m long without assessment of mine subsidence risk (any buildings over three stories will require investigation). Council has identified the Mine Subsidence Board for consultation, however consultation has already occurred and no further consultation will be conditioned.

4.3 Flood Prone Land: The planning proposal is inconsistent in that it intends to rezone land within the flood planning areas from SP2 Infrastructure to B4 Mixed Use. Additionally, the planning proposal is inconsistent in that it will permit a significant increase in the development of the land. However the issue is of minor significance and is addressed in Newcastle Council's Development Control Plan, which is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005

5.1 Implementation of Regional Strategies: The planning proposal will facilitate employment and housing in a location that will facilitate efficient travel patterns and more sustainable modes of transport, supported increased walking and cycling and improved connectivity in the identified Regional city of the Lower Hunter, and is considered consistent with this direction.

6.2 Reserving Land for Public Purposes. This direction requires the Department's approval to any variation to land reserved for public purposes. The planning proposal includes additional reservation of land for public purposes. This includes land to be zoned RE1 Public Recreation and the identification of land, currently zoned B4 Mixed Use, for acquisition to facilitate a pedestrian linkage between Hunter Street and Wright Lane.

With regards to the land zoned RE1, the additional land is not the result of any strategic assessment of public recreation land in the locality. The Planning Proposal suggests that these additional spaces will provide the desired view corridors and when combined with the proposed SP3 zoning will ensure that these spaces are activated. The ongoing management of these spaces, and in particular their relationship with the existing extensive recreational space along the foreshore, would benefit from a review of Council's Plan of Management for these foreshore recreation areas.

The proponent has indicated in their letter of offer to Council that they would dedicate the RE1 zoned land to Council, including remediation to the appropriate standard. However since the letter of offer was submitted Council has increased the land to be zoned RE1 Public Recreation. Prior to exhibition Council should confirm (through the proposed planning agreement) whether or not all identified RE1 land will be dedicated or alternatively if any such land needs to be identified for future acquisition.

With regards to the B4 zoned land proposed to be acquired by Council, this additional pedestrian access is not supported by any strategic plan. The Newcastle Urban Renewal Strategy (as updated 2014) does not identify this as a future linkage. It is understood that council has been in communication with the landowners and proposes to consult in more detail if the proposal receives a Gateway determination. The planning proposal would benefit from more detailed explanation relating to the justification for this acquisition, including demonstration of the need for the pedestrian linkage as a result of the rezoning proposal and explanation regarding site selection. The planning proposal notes that the funding for this acquisition would be provided by Urban Growth however that is not expressly listed in their letter of offer. Council should ensure that negotiation regarding the planning agreement is consistent with the Department's guidelines and remove this reference if funding is not resolved through the planning agreement.

Consistency or otherwise with this direction will be considered after further clarification on the matter has been the subject of public consultation.

6.1 Approval and Referral Requirements and 6.3 Site Specific Provisions

Identification of three sites within the proposal as key sites requires consideration of consistency with section 117 directions 6.1 Approval and Referral Requirements and 6.3 Site Specific Provisions. The three sites include the state heritage significant Newcastle Railway Station Parcel 16 (10,698m²), approximately half of Parcel 12 (750m²) and Parcel 8 (988m², together with adjacent land outside of the rail corridor known as Parcel 20).

6.1 Approval and Referral Requirements: The planning proposal is inconsistent with this direction because it includes a provision that requires referral to a public authority (the Director General). This is because the proposal identifies key sites which means that certain development on these sites is subject to a design competition, unless the need for the competition has been waived by the Director General (clause 7.5(5) of Newcastle LEP 2012). Council were invited to take delegations for this decision in 2014 however declined. The Planning Proposal indicates that it is consistent with this direction however to be consistent the Department would need to agree (clause 4(b) of the direction).

6.3 Site Specific Provisions: The planning proposal is inconsistent with this direction because it applies additional requirements to the use of the land, an architectural design completion, in addition to the standard requirements such as height and floor space.

Recognising the Newcastle Railway Station as a key site is supported and with the agreement of the delegate, any inconsistency with these directions in relation to this site is considered justified.

In relation to agreement to this inconsistency for the two smaller sites it is considered that their identification as key sites, and therefore requiring a design competition, is an unnecessary additional requirement on future development and the inconsistency is not considered justified. Council has indicated that these sites have been identified as key sites because they require a high degree of design excellence. However historically requests to waive this requirement within the Newcastle LGA have been supported due to other approaches being available to Council to achieve a high quality outcome. Clause 7.5 of the Newcastle LEP already requires the consent authority to consider whether a new development demonstrates design excellence. The significance of these sites and demands of their future development would be more appropriately and transparently clarified through the development control plan and subsequent development assessment. The additional referral is not considered warranted for these sites and the inconsistency

with the objective of these directions including for the efficient assessment of development, in relation to these sites has not been justified. This report recommends that these items be removed from the potential key sites mapping.

Environmental social
economic impacts :

As the site was formally developed for railway purposes, the planning proposal has no potential for critical habitat or threatened species, populations or ecological communities, or their habitats to be adversely affected. A flora and fauna survey confirmed this, identifying 26 flora species on the site, none of which were threatened under the TSC Act 1995 and/or the EPBC Act 1999, and 14 fauna species, all of which were common or exotic species. Remediation work on contaminated soils is expected to ensure that the land is suitable for all the purposes for which the land is to be used. The adaptive reuse of heritage items is a positive initiative that will assist in the protection and preservation of the items.

A social impact assessment for the site was conducted, and identified possible adverse impacts on community structure, community perceptions of risk, social equity impacts, construction impacts, and impacts of the forecast additional population and employment levels on community services and facilities and demands for quality open space. However these impacts are proposed to be mitigated by identifying further opportunities to upgrade or embellish new and existing areas of open space, continued consultation with social infrastructure providers, strengthening of pedestrian, cyclist and public transport design elements, creation of attractive and safe public domains and meeting places, investigation of opportunities for affordable housing options with Urban Growth, Newcastle City Council and other interest groups, and the application of site specific development control guidelines applicable to public safety and natural surveillance. Social benefits of the amendment of the LEP include improvements in public domain, improved access to the waterfront and pedestrian and cyclist linkages, diversity in dwelling prices (including affordable housing), and the provision of a range of dwelling styles, uses and open spaces.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
-----------------	----------------	------------------------------------	----------------

Timeframe to make LEP :	12 months	Delegation :	DG
----------------------------	------------------	--------------	-----------

Public Authority
Consultation - 56(2)(d)

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. :

Other - provide details below

If Other, provide reasons :

Council's proposal to exhibit the development control plan guidelines with the rezoning proposals is supported. It is also understood that updates on traffic assessment will be required due to the revisions of the submitted proposal by Council. However Council proposes a number of additional studies and additional consultation that extends beyond that typically required.

Newcastle LEP 2012 Amendment - Rail Corridor and certain adjacent lands

Council has proposed extensive consultation with a number of state authorities including NSW Health, NSW Police and NSW Department of Family and Community Services. These agencies are not typically consulted as part of a rezoning proposals such as this and it is not clear how their input will alter the proposed planning controls as they apply to the site. It is recommended that the gateway determination does not require this consultation as part of exhibition of the proposal, as suggested by Council. The Proposal, subject to conditions, is consistent with the strategic planning framework and such consultation would be more relevant to discussion regarding the planning agreement (e.g affordable housing) or future development applications.

Council has also proposed a number of additional studies, including a servicing strategy and a heritage and archaeological strategy as required prior to exhibition. It is recommended that the gateway determination does not require these because these studies represent a level of detail and investigation more typically applied through development assessment and the value that they will add at this point in time is not clear.

Identify any internal consultations, if required :

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

If Yes, reasons : **No changes to the proposal are required however the provision and funding of state infrastructure may become relevant to this plan if policy changes occur prior to it being finalised. State Infrastructure Contributions are currently under review.**

Documents

Document File Name	DocumentType Name	Is Public
--------------------	-------------------	-----------

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.2 Coastal Protection
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Additional Information : **It is recommended that:**

1. The Planning Proposal be supported, with the exception of;
 - the proposed rezoning of Parcel 12 (split SP3/RE1), which should proceed separately presenting a consolidated proposal for the site and adjacent Council car park.
 - the identification of part of Parcel 12 and Parcel 8 (and adjacent land) as a key site. It is considered that further work on Parcel 12 is required and an architectural design competition for Parcel 8 represents an unnecessary additional step in the assessment process for future development.
2. Amend the planning proposal and draft maps prior to exhibition to;
 - address the removal of Parcel 12 and amendment to Parcel 8 described above;
 - clearly articulate the proposed changes on individual parcels, including land outside of the corridor, for the purposes of consultation;

- more clearly identify the land outside of the rail corridor that is to be affected, including within the proposals title, summary and justification and above mapping;
- address the consistency of the proposal with the Hunter Regional Plan
- provide additional information regarding the strategic justification for decisions regarding the proposed pedestrian connection and Darby plaza concepts.
- note changes to the level of retail, transport and social impact of the proposal(as otherwise stated in the studies submitted by the proponent) following the reduction in proposed B4 zone by Council and removal of Parcel 12.
- correction of minor anomalies within the SP3 Tourism land use table, related to Parcel 3 (Council report, Attachment E) and inclusion of an amendment to map labelling for Parcel 10 to identify the parcel as SP2 Infrastructure (Electricity Generating Works Facility).

3. Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 ('EP&A' Act) as follows:

- (a) the Planning Proposal be made publicly available for 28 days;
- (b) the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 4.5 of A guide to preparing LEPs (Department for Planning 2009).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act, and may occur as part of exhibition. Previous consultation with the Mine Subsidence Board for the purposes of s117 direction 4.2 is considered adequate.

- Office of Environment and Heritage (regarding Heritage matters)

The public authority is to be provided with a copy of the planning proposal and any relevant supporting material. The public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. Following additional information being included in the planning proposal regarding the proposed reservation of land for public purposes, Council will need to obtain the agreement of the Secretary to comply with the requirements of the relevant S117 Directions.

6. 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.

7. The timeframe for completing the LEP is 12 months from the date of the Gateway Determination.

In the covering letter: The Department supports Council's approach to exhibit the Planning Proposal with the draft development control guidelines and planning agreement to inform the community about the detail of what is proposed. However if the planning agreement legal drafting delays the exhibition it is considered appropriate that an updated letter of offer is adequate for the purposes of public exhibition. Council are encouraged to consider the Department's advice regarding the preparation of planning agreement currently on exhibition.

Supporting Reasons :

This Planning Proposal will enable the land to be redeveloped for commercial, educational, residential accommodation, public recreation and visitor and tourism uses, in line with broader state and council initiatives to revitalise the city centre.

Signature:



Printed Name:

K O'Flaherty

Date:

5/12/2016