

**1 Cowper Street, Wallsend - Land Reservation
Acquisition Map**

September 2015

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1 Cowper Street Wallsend

Summary of Proposal

Proposal	Remove Land Reservation Acquisition	
Property Details	1 Cowper Street Wallsend	Lot 1 DP 1206104
Applicant Details	The City of Newcastle	

Background

Council proposes an amendment to the Newcastle LEP 2012 to remove the Land Reservation Acquisition over 1 Cowper Street Wallsend.

Council has recently registered a subdivision of the lot which places the part of the land required for road widening within a separate lot. The former Lot 86, DP 1206104 is now a smaller lot known as Lot 1, DP 1206104 as a result of the part of the land required for road widening being subdivided into a separate lot.

Previously, the land reservation had been broadly applied, however, this has now been defined and the required road extracted in the recently registered subdivision plan. The current Land Reservation Acquisition Map to Newcastle LEP 2012 does not accurately reflect Council's road reservation requirements.

On 28 April 2014 Council resolved to sell this property on the open market. In order for the planning certificate to accurately reflect planning controls for the site, the reservation needs to be removed.

Site

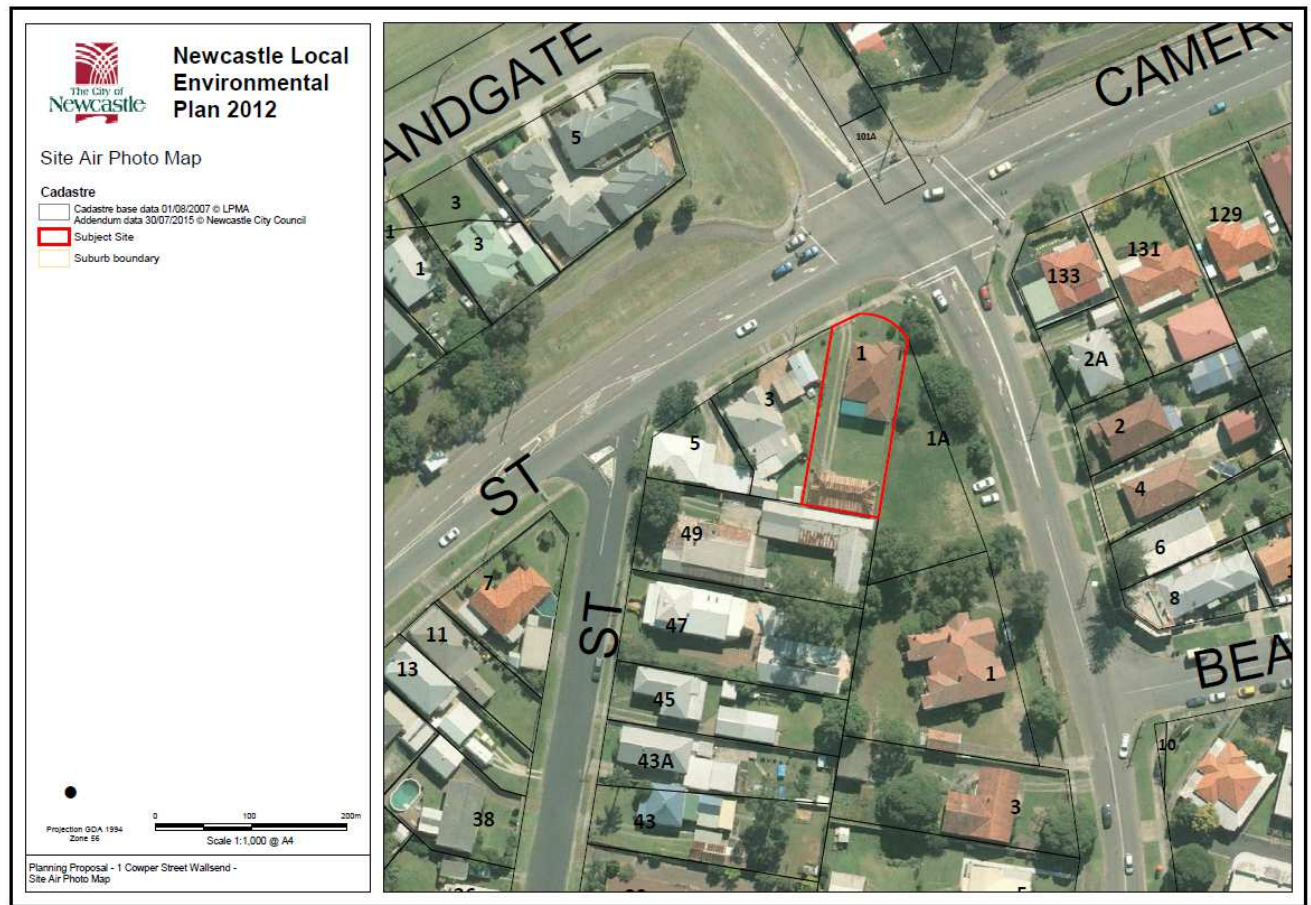
The proposal relates to land at 1 Cowper Street Wallsend, described as Lot 1 DP 1206104 (the site). The site is currently zoned R2 Low Density Residential and is operational land. The site includes a single detached dwelling with a separate garage. A fence surrounds the sides and rear of the site. The front fence is proposed to be removed as it is partially located on the road widening reserve.

- see **Figure 1:** Local Context of Site.
- see **Figure 2:** Air Photo of Site.

Figure 1 - Local Context of site



Air Photo of site



Part 1 - Objectives or Intended Outcomes

The intent of the planning proposal is to enable 1 Cowper Street Wallsend (Lot 1, DP 1206104) to be sold with no land reservation acquisition encumbrances.

Part 2 - Explanation of Provisions

The intended outcomes can be achieved by amending the Land Reservation Acquisition Map (LRA_002B) to remove reference to Land Reservation Acquisition over 1 Cowper Street, Wallsend.

Part 3 – Justification

Section A - Need for the planning proposal

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

The planning proposal is not a result of a strategic planning study or report. The planning proposal has been initiated by Council following consultation between Council's Commercial Property and Council's Infrastructure Planning sections.

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

Yes. The amendment to the Land Reservation Acquisition map is considered to be the best means of achieving the objectives.

Section B - Relationship to strategic planning framework

3. *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)?*

Lower Hunter Regional Strategy (2006)

The Lower Hunter Regional Strategy applies to the land. The aim of this Strategy is to ensure that adequate land is available to accommodate the projected housing and employment growth in the Hunter Region over the next 25 years.

The proposal does not affect this strategy.

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

Newcastle 2030 Community Strategic Plan

Council adopted the Newcastle 2030 Community Strategic Plan in February 2011, as revised in 2013. The planning proposal primarily aligns to the strategic direction 'Open and Collaborative Leadership' identified within the Newcastle 2030 Community Strategic Plan.

Compliance with the LEP amendment process, in particular section 57 – community consultation of the *Environmental Planning and Assessment (EP&A) Act 1979*, will assist in achieving the strategic objective; "Consider decision-making based on collaborative, transparent and accountable leadership" and the identified strategy 7.2b, which states: "Provide opportunities for genuine and representative community engagement in local decision making".

Newcastle Urban Strategy (NUS) / Newcastle Urban Renewal Strategy (NURS) / Draft Local Planning Strategy

The planning proposal has no impact on either the Newcastle Urban Strategy or Newcastle Urban Renewal Strategy (NURS). The proposal does not affect the draft Local Planning Strategy.

5. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

Consistency (of the planning proposal) with State Environmental Planning Policies is outlined in the table below.

Table 1 - Consideration of State Environmental Planning Policies

Name of SEPP	Applicable	Consistency
SEPP No 1 (Development Standards)	No	N/A
SEPP No 14 (Coastal Wetlands)	No	N/A
SEPP No 15 (Rural Landsharing Communities)	No	N/A
SEPP No 19 (Bushland in Urban Areas)	No	N/A
SEPP No 21 (Caravan Parks)	No	N/A
SEPP No 26 (Littoral Rainforests)	No	N/A

Name of SEPP	Applicable	Consistency
SEPP No 29 (Western Sydney Recreation Area)	No	N/A
SEPP No 30 (Intensive Agriculture)	No	N/A
SEPP No 32 (Urban Consolidation)	No	N/A
SEPP No 33 (Hazardous and Offensive Development)	No	N/A
SEPP No 36 (Manufactured Home Estates)	No	N/A
SEPP No 39 (Spit Island Bird Habitat)	No	N/A
SEPP No 44 (Koala Habitat Protection)	No	N/A
SEPP No 47 (Moore Park Showground)	No	N/A
SEPP No 50 (Canal Estate Development)	No	N/A
SEPP No 52 (Farm Dams and Other Works in Land and Water Management Plan Areas)	No	N/A
SEPP No 55 (Remediation of Land)	No	N/A
SEPP No 59 (Central Western Sydney Economic and Employment Area)	No	N/A
SEPP No 62 (Sustainable Aquaculture)	No	N/A
SEPP No 64 (Advertising and Signage)	Yes	N/A
SEPP No 65 (Design Quality of Residential Flat Development)	No	N/A
SEPP No 70 (Affordable Housing (Revised Schemes))	No	N/A
SEPP No 71 (Coastal Protection)	No	N/A
SEPP (Affordable Rental Housing) 2009	No	N/A
SEPP (Building Sustainability Index: BASIX) 2004	No	N/A
SEPP (Exempt and Complying Development Codes) 2008	No	N/A
SEPP (Housing for Seniors or People with a Disability) 2004	No	N/A
SEPP (Infrastructure) 2007	No	N/A
SEPP (Major Development) 2005	No	N/A
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	No	N/A
SEPP (Miscellaneous Consent Provisions) 2007	No	N/A
SEPP (Rural Lands) 2008	No	N/A
SEPP (State and Regional Development) 2006	No	
SEPP (Three Ports) 2013	No	N/A
SEPP (Urban Renewal) 2010	No	N/A

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

Consistency (of the planning proposal) with applicable s117 Ministerial Directions is outlined in the table below.

Table 2 - Consideration of Section 117 Directions

S117 Direction	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	No	N/A
1.2 Rural Zones	No	N/A
1.3 Mining, Petroleum Production and Extractive Industries	No	N/A
1.4 Oyster Aquaculture	No	N/A
1.5 Rural Lands	No	N/A
2. Environment and Heritage		
2.1 Environment Protection Zones	No	N/A
2.2 Coastal Protection	No	N/A
2.3 Heritage Conservation	No	N/A
2.4 Recreation Vehicle Areas	No	N/A
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Yes	Yes
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	No	N/A
3.4 Integrating Land Use and Transport	No	N/A
3.5 Development Near Licensed Aerodromes	No	N/A
4. Hazard and Risk		
4.1 Acid Sulfate Soils	No	N/A
4.2 Mine Subsidence and Unstable Land	No	N/A
4.3 Flood Prone Land	No	N/A
4.4 Planning for Bushfire Protection	No	N/A
5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	Yes
5.2 Sydney Drinking Water Catchments	No	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A

S117 Direction	Applicable	Consistent
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	N/A
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No	N/A
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No	N/A
5.8 Second Sydney Airport: Badgerys Creek	No	N/A
6. Local Plan Making		
6.1 Approval and Referral Requirements	No	N/A
6.2 Reserving Land for Public Purposes	No	N/A
6.3 Site Specific Provisions	No	N/A

Section C - Environmental, social, and economic impact

7. 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 planning proposal has no potential for critical habitat or threatened species, populations or ecological communities (or their habitats) to be adversely affected.

8. 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 is an administrative change to the Land Reservation Acquisition map and will not have any environmental effects.

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

It is not envisaged that there will be any adverse effects on items or places of European or Aboriginal cultural heritage, nor will it have any adverse impacts on existing social infrastructure such as schools, hospitals or existing retail centres.

Section D - State and Commonwealth interests

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

The change to the Land Reservation Acquisition Map is not expected to have any impact on the demand for existing public infrastructure including electricity, water and sewer. All relevant government agencies will be consulted in accordance with the requirements of the gateway determination.

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

Consultation with State and Commonwealth public authorities will be carried out in accordance with the requirements of the gateway determination issued by the Department of Planning and Environment.

Part 4 – Mapping

The planning proposal seeks to amend Land Reservation Acquisition Map (LRA_002B) within Newcastle LEP 2012.

The Matrix below indicates (with an “X”), which map sheets (of Newcastle LEP 2012) are to be amended as a result of this planning proposal (eg. FSR_001C)

	FSR	LAP	LZN	WRA	ASS	HOB	LSZ	LRA	CL1	HER	URA
001											
001A											
001B											
001C											
001D											
002											
002A											
002B								X			
002C											
002D											
002E											
002F											
002G											
002H											
003											
004											
004A											
004B											
004C											
004D											
004E											
004F											
004FA											
004G											
004H											
004I											
004J											
004K											

Map Codes:	FSR	=	Floor Space Ratio map
	LAP	=	Land Application Map
	LZN	=	Land Zoning Map
	WRA	=	Wickham Redevelopment Area Map
	ASS	=	Acid Sulfate Soils Map
	HOB	=	Height of Buildings Map
	LSZ	=	Lot Size Map
	LRA	=	Land Reservation Acquisition Map
	CL1	=	Key Sites Map & Newcastle City Centre Map
	HER	=	Heritage Map
	URA	=	Urban Release Area Map

The following maps illustrate the proposed amendments to the Newcastle LEP 2012 maps:

- **Figure 3:** Existing Land Reservation Acquisition Map
- **Figure 4:** Proposed Reservation Acquisition Map

Figure 3 - Existing Land Reservation Acquisition Map

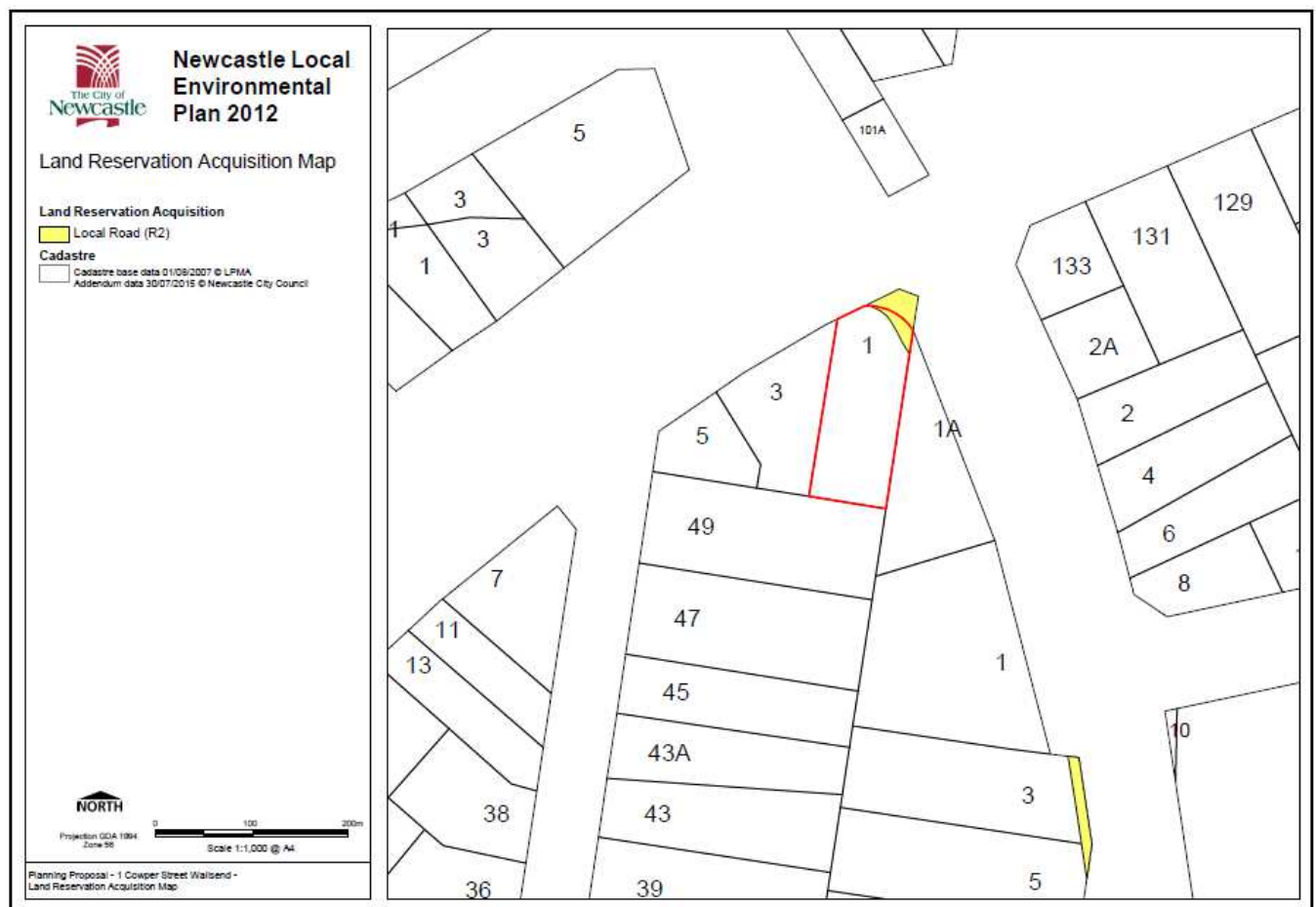
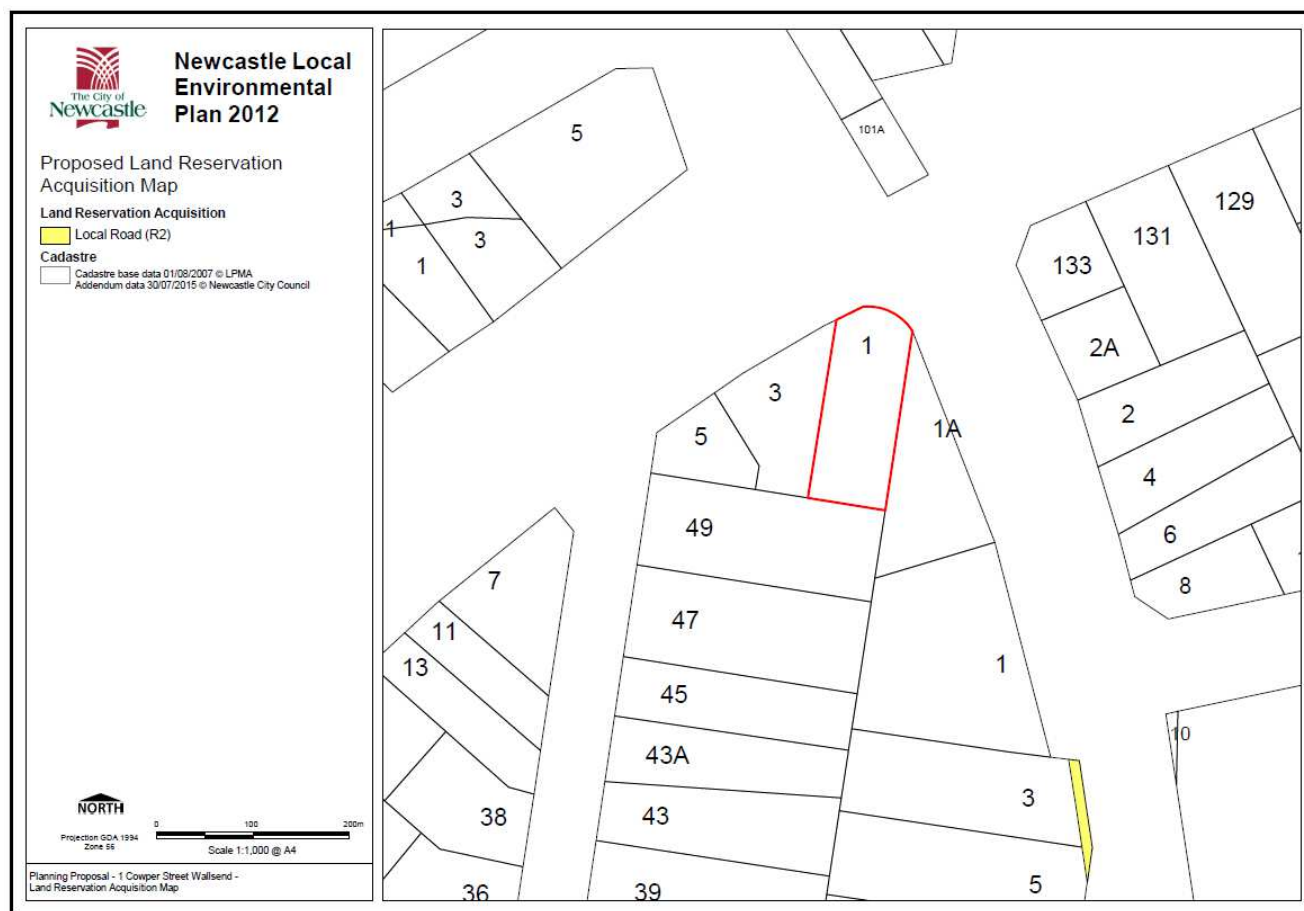


Figure 4 - Proposed Land Reservation Acquisition Map



Part 5 – Community Consultation

The planning proposal is considered as "low impact" in accordance with the Department of Planning and Environment's guidelines, 'A guide to preparing local environmental plans' for the following reasons:

- Consistency with the pattern of surrounding land use zones and land uses;
- Consistency with the strategic planning framework;
- No issues are presented with regard to infrastructure servicing;
- It is not a Principal LEP; and
- It does not reclassify public land.

It is proposed that the planning proposal will be publicly exhibited for a minimum 14 days. All relevant government agencies will be consulted in accordance with the requirements of the gateway determination.

Part 6 – Project Timeline

The project is expected to be completed within seven (7) months of Gateway Determination. The following timetable is proposed:

Task	Planning Proposal Timeline											
	Jan 16	Feb 16	Mar 16	Apr 15	May 15	Jun 15	Jul 15	Aug 15	Sep 15	Oct 15	Nov 15	Dec 15
Issue of Gateway Determination												
Prepare any outstanding studies												
Consult with required State Agencies												
Exhibition of planning proposal and technical studies												
Review of submissions and preparation of report to Council												
Report to Council following exhibition												
Planning proposal sent back to Department requesting that the draft LEP be prepared												