

Newcastle Housekeeping (Clause 4.1A clarification)

Proposal Title : **Newcastle Housekeeping (Clause 4.1A clarification)**

Proposal Summary : **To clarify clause 4.1A 'Exceptions to minimum lot sizes for certain residential development'.**

This item was submitted to the Gateway as part of a grouped proposal
PP_2013_NEWCA_008_00 Administrative Amendment – Newcastle LEP 2012.
It has subsequently been separated. The relevant reports prior to this separation are attached documents.

PP Number : **PP_2013_NEWCA_011_00** Dop File No : **13/06907**

Planning Team Recommendation

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

S.117 directions :

Additional Information : **This item was submitted to the Gateway as part of a grouped proposal
PP_2013_NEWCA_008_00 Administrative Amendment – Newcastle LEP 2012.
The recommendations for this grouped planning proposal were;**

It is recommended that the Gateway:

1. Support the Planning Proposal as proceeding separately (four separate Planning Proposals) and proceed subject to the following conditions:

2. The Planning Proposal clarifying clause 4.1A of Newcastle LEP 2012, should be amended after Gateway Determination but prior to public exhibition to remove reference to specific wording in clause 4.1A which may reduce the flexibility of finding an appropriate alternative resolution. Also remove from the Planning Proposal Council's proposed alternative, which suggests removing the minimum lot size for subdivision of multi-unit housing.

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 14 days; except for the rezoning and reclassification of 3 Northern Avenue, Tarro, which must be 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:

*** NSW Rural Fire Service as part of the rezoning of 70 Vale Street, Shortland; and the rezoning of 3 Northern Avenue, Tarro**

Each public authority is to be provided with a copy of the Planning Proposal and any relevant supporting material. Each 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. The Director General (or delegate) agree with the following section 117 Direction inconsistencies –

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3.1 Residential Zones; 3.2 Caravan Parks and Manufactured Home Estates; 4.1 Acid Sulfate Soils as the inconsistency with the terms of the s117 Direction are of minor significance. Note that the proposal will result in a reduction of open space and agree to this reduction. Noting that with this agreement the proposal will be consistent with s117 direction 6.2 Reserving Land for Public Purposes.

Consultation is required with the NSW Rural Fire Service to determine consistency with section 117 Directions – 4.4 Planning for Bushfire Protection respectively. Council is to amend the Planning Proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.

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 (for example, in response to submission if reclassifying land).

7. Council is to prepare a preliminary site investigation contamination study in accordance with clause 6(1) of State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land as part of the rezoning of 70 Vale Street, Shortland. This study is to be placed on public exhibition with the planning proposal.

8. The timeframe for completing the LEP is to be 12 months from the date of the Gateway Determination.

9. Council exercise their delegations under section 59(1) of the EP&A Act.

Supporting Reasons :

Newcastle City Council has identified the need for this administrative amendment to meet the operational needs.

Panel Recommendation

Recommendation Date : **16-May-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

Recommendation :

The planning proposal should proceed subject to the following conditions:

- 1. Prior to undertaking public exhibition, Council to amend the planning proposal to remove reference to including words 'or retention' within clause 4.1A (3)(b) and instead provide a plain English explanation of the intention of the proposed amendment to the clause. Council's proposed alternative, to remove the minimum lot size for subdivision of multi-unit housing, is to be removed from the planning proposal.**
- 2. 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 is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of 14 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).**
- 3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.**
- 4. 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).**
- 5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.**

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Signature:

M. Selmon

Printed Name:

Neil Selmon

Date:

21/5/13