

**ORDINARY COUNCIL MEETING
24 NOVEMBER 2015**

**CCL 24/11/15
CCL 24/11/15 - 4 MAYO STREET JESMOND - ENDORSEMENT OF
PROPOSED AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL
PLAN 2012**

Attachment A: Planning Proposal - 4 Mayo Street Jesmond

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4 Mayo Street Jesmond - Maclure Reserve

October 2015

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Maclure Reserve No. 4 Mayo Street, Jesmond

Summary of Proposal

Proposal	Reclassification of Part of Maclure Reserve from Community to Operational and Rezoning of part of the site from RE1 Public Recreation to R2 Low Density Residential Apply minimum lot sizes to each of the zones and maximum building heights and floor space ratios on the residential zoned land.
Property Details	Lot 20 DP 230341, 4 Mayo Street Jesmond
Applicant Details	City Plan Services Suite 2, 14 Watt Street NEWCASTLE NSW 2300

Background

Newcastle City Council resolved on 9 December 2014 to further investigate the reclassification, rezoning and sale of six parcels of Council owned land that had been identified as being surplus to Council and community needs. The subject site, 4 Mayo Street Jesmond, was included in this report.

City Plan Services on behalf of Newcastle City Council have lodged a request to amend Newcastle LEP 2012 by rezoning, reclassifying and adopting minimum lot sizes, building heights and floor space ratios on part of Maclure Reserve to enable low density residential development. The proceeds from the sale of the land would be credited to the Land and Property Reserve and used to upgrade open space areas within Jesmond.

Site

The proposal consists of part of 4 Mayo Street Jesmond, described as Part Lot 20 DP 230341. The subject site forms part of Maclure Reserve and is currently zoned RE1 Public Recreation and classified as community land. See Figures 1 and 2.

The site is approximately 1.04 hectares in size with a 121m frontage to Mayo Street and is covered with maintained lawn grasses. There are several scattered trees adjacent to the neighbouring residential development along the north-eastern boundary. A single netball goal post is positioned near the eastern boundary; no other embellishments/improvements have been made to the site. The site is generally used for informal recreation opportunities by the public such as an off-leash dog exercise area and ball 'kick around' space.

The site is affected by a 4.57m wide easement for a sewage pipeline, which traverses the length of the site.

Figure 1: Local Context of Site



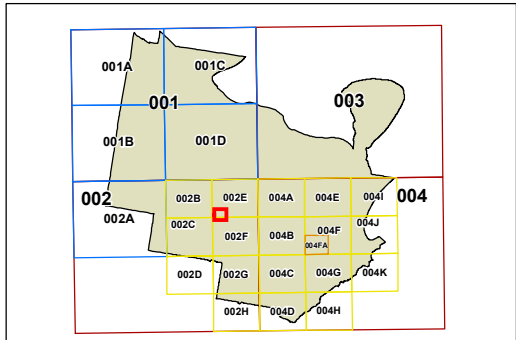
Newcastle Local Environmental Plan 2012

Planning Proposal Area of Interest

 Area of Interest
 Suburb

Cadastral

Base data 01/08/2007 © Land and Property Information (LPI)
Addendum data 08/10/2015 © City of Newcastle



0 100 Metres

Scale: 1:2500 @ A3

Projection: GDA 1994
MGA Zone 56

Figure 1

Figure 2: Air Photo of Site



Part 1 - Objectives or Intended Outcomes

To reclassify and rezone part of 4 Mayo Street Jesmond to enable disposal of the site by Newcastle City Council and redevelopment for residential purposes.

Part 2 - Explanation of Provisions

It is proposed to amend the Newcastle Local Environmental Plan 2012 by:

1. Including the subject land within Part 2 – *Land classified or reclassified, as operational land – interests changed* within Schedule 4 *Classification and reclassification of public land*, as follows:
 - a. Column 1 to read “*Jesmond*”
 - b. Column 2 to read “*Part of Lot 20 DP 230341, being the land in Zone R2 Low Density Residential and part of 4 Mayo Street*”.
 - c. Column 3 to read “*Easement for sewage pipeline (R906718) as noted on Certificate of Title Folio Identifier 20/10396*”.
2. Amending Map LZN_002E by rezoning part of Lot 20 DP 230341 from Zone RE1 Public Recreation to Zone R2 Low Density Residential.
3. Amending Map HOB_002E by including a maximum height limit of 8.5m to part of Lot 20 DP 230341.
4. Amending Map FSR_002E by including a maximum floor space ratio of 0.75 to part of Lot 20 DP 230341.
5. Amending Map LZN_002E to have a minimum lot size of 450m² to part of Lot 20 DP 230341 (residential).
6. Amending Map LZN_002E to have a minimum lot size of 4000m² to part of Lot 20 DP 230341 (public recreation).

The effect of the proposed amendment is to reclassify the subject site from community to operational land and to rezone the land from RE1 Public Recreation to R2 Low Density Residential. The minimum lot size of the remainder of Lot 20 DP 230341 will be reduced to 4000m² to allow for the subdivision of the residential portion of land.

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 any strategic planning study but the result of a council resolution obtained after considering a report on various parcels of Council owned land that were identified as surplus to Council and community needs.

On 9 December 2014, Newcastle City Council considered a report recommending the sale of the subject site and five other Council reserves, subject to the land being able to be reclassified and rezoned to permit residential or commercial uses. The Council report included a *Recreation Improvements Options* paper which identified potential park improvement projects in the vicinity of each reserve which could potentially be funded from the disposal proceeds of surplus park assets. Following consideration of the report, Council resolved:

1. *Council endorses all property actions, including the release of Land and Property Reserve funds to meet the associated cost to enable appropriate land zoning and reclassification of the following properties:*
 - a) 4 Mayo Street, Jesmond - Lot 20 DP 230341
 - b) 26 Edith Street, Waratah - Lot 374 DP 755247
 - c) 162A Newcastle Road, Wallsend - Lot 110 DP 9755
2. *A report is to be presented back to Council following the public exhibition period undertaken as part of the reclassification process.*
3. *Subject to Council's consideration of responses to the public exhibition period (2 above) and any further decision arising from this consideration, should any properties be deemed to be suitable for sale, Council officers should prepare a report to Council on the outcome of the consultation and Council will determine whether sale of these properties is appropriate and the conditions of sale.*
4. *The net proceeds of the sale(s) are to be credited to the Land and Property Reserve and a report be presented to Council proposing local park improvements in accordance with paragraph 17(a) of the report.*

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

Yes, amending the Newcastle LEP 2012 is considered the best means of achieving the objectives of the planning proposal.

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.

Although the project is small in scale it will contribute to generating additional housing opportunities within Jesmond. The site is well located to services and infrastructure and is therefore considered consistent with this aims of the Lower Hunter Regional 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".

Local Planning Strategy

The planning proposal is consistent with the aims and objectives of the Local Planning Strategy. The strategy identifies the area surrounding the site as a *Moderate Growth Precinct*; the site is proposed to have the same maximum height and floor space ratio provisions and is therefore consistent with surrounding residential development and the desired density for the area.

The Neighbourhood Vision for Jesmond under the Local Planning Strategy calls for development of 111 new dwellings by 2031, the Planning Proposal supports this target.

Newcastle Parkland and Recreation Strategy

In 2010 (prior to the preparation of the Newcastle Parkland and Recreation Strategy) Council commissioned a review of open space throughout the LGA. The open space review considered 264 parcels of land up to 1.8ha in size; the purpose of this study was to identify open space parcels, particularly pocket parks for potential disposal. The review concluded that due to a significant number of constraints only 12 parcels of land could be considered for potential reclassification and disposal.

The findings of the open space review have been included in the Newcastle Parkland and Recreation Strategy Background Report. Due to a number of constraints Maclure Reserve was not considered for disposal.

Following further investigation of the site it has now been determined that part of Maclure Reserve is suitable for residential development. The proceeds from the disposal of the site will be used to upgrade open space areas in Jesmond.

Plans of Management for Community Land

Maclure Reserve is included within the Neighbourhood Parks Plan of Management (POM) for Community Land. There is no specific POM for Maclure Reserve and the Neighbourhood Parks Plan of Management does not contain any specific actions in relation to the reserve.

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
State Environmental Planning Policy No 1 (Development Standards)	No	
State Environmental Planning Policy No 14 (Coastal Wetlands)	No	
State Environmental Planning Policy No 15 (Rural Landsharing Communities)	No	
State Environmental Planning Policy No 19 (Bushland in Urban Areas)	No	
State Environmental Planning Policy No 21 (Caravan Parks)	Yes	Not Consistent. Caravan Parks are a permissible use in the RE1 Zone, but not in the proposed R2 Zone. Due to the small size of the site it is unlikely a caravan park would have been viable on the site.
State Environmental Planning Policy No 26 (Littoral Rainforests)	No	
State Environmental Planning Policy No 29 (Western Sydney Recreation Area)	No	
State Environmental Planning Policy No 30 (Intensive Agriculture)	No	
State Environmental Planning Policy No 32 (Urban Consolidation)	Yes	Consistent. The planning proposal is consistent with the aims and objectives of the SEPP by increasing the availability of housing within a locality with existing public infrastructure, transport and community facilities. The R2 zone and associated development controls allow for a range of multi unit housing types.

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 33 (Hazardous and Offensive Development)	No	
State Environmental Planning Policy No 36 (Manufactured Home Estates)	No	
State Environmental Planning Policy No 39 (Spit Island Bird Habitat)	No	
State Environmental Planning Policy No 44 (Koala Habitat Protection)	Yes	The SEPP applies to the entire LGA, however, the land is urban and does not consist of areas of koala habitat.
State Environmental Planning Policy No 47 (Moore Park Showground)	No	
State Environmental Planning Policy No 50 (Canal Estate Development)	No	
State Environmental Planning Policy No 52 (Farm Dams and Other Works in Land and Water Management Plan Areas)	No	
State Environmental Planning Policy No 55 (Remediation of Land)	Yes	A search of Council records indicates the site is not listed on the contaminated land register. The site has been zoned or reserved as open space since at least 1960. However there is some evidence that the site may have been partially filled at some stage in the past. To address this risk, a preliminary contamination assessment can be prepared to support the planning proposal following issue of the Gateway Determination, if required.
State Environmental Planning Policy No 59 (Central Western Sydney Economic and Employment Area)	No	
State Environmental Planning Policy No 62 (Sustainable Aquaculture)	No	
State Environmental Planning Policy No 64 (Advertising and Signage)	No	
State Environmental Planning Policy No 65 (Design Quality of Residential Flat Development)	No	
State Environmental Planning Policy No 70 (Affordable Housing (Revised Schemes))	No	
State Environmental Planning Policy No 71 (Coastal Protection)	No	
State Environmental Planning Policy (Affordable Rental Housing) 2009	No	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No	
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No	

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	No	
State Environmental Planning Policy (Infrastructure) 2007	No	
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	No	
State Environmental Planning Policy (Major Development) 2005	No	
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	
State Environmental Planning Policy (Rural Lands) 2008	No	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007	No	
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	
SEPP (State and Regional Development) 2011	No	

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

Consistency (of the planning proposal) with State Environmental Planning Policies 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	
1.2 Rural Zones	No	
1.3 Mining, Petroleum Production and Extractive Industries	No	
1.4 Oyster Aquaculture	No	
1.5 Rural Lands	No	
2. Environment and Heritage		
2.1 Environment Protection Zones	No	
2.2 Coastal Protection	No	
2.3 Heritage Conservation	No	
2.4 Recreation Vehicle Areas	No	
3. Housing, Infrastructure and Urban Development		

S117 Direction	Applicable	Consistent
3.1 Residential Zones	Yes	Consistent. The R2 Zone and Council's DCP controls encourage a variety of housing types. The site is well located to infrastructure and services and the existing centre of Jesmond.
3.2 Caravan Parks and Manufactured Home Estates	Yes	Not consistent. The RE1 zone permitted the development of caravan parks and manufactured home estates with consent, whilst the R2 zone does not. The inconsistency is considered minor as the land is unsuitable for a viable caravan park due to its small size.
3.3 Home Occupations	Yes	Consistent. Home businesses, home industries and home occupations are exempt development as specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
3.4 Integrating Land Use and Transport	Yes	Consistent. The subject site is located in close proximity to public transport options and will not detrimentally affect transport choices.
3.5 Development Near Licensed Aerodromes	No	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	Not consistent. The inconsistency is considered minor as the subject site is mapped as containing Class 5 soils on the Acid Sulfate Soils Map of the NLEP 2012. Class 5 is the least critical category. Any future development applications would need to consider Clause 6.1 'Acid Sulfate Soils' of the NLEP 2012, which provides appropriate directions for development.
4.2 Mine Subsidence and Unstable Land	No	

S117 Direction	Applicable	Consistent
4.3 Flood Prone Land	Yes	Not consistent. The site is mapped as containing areas of 'floodway', 'flood storage' and 'flood fringe'. Whilst the Planning Proposal does not propose to permit additional development within floodway areas (beyond those uses already permitted in the existing RE1 zone), it does propose to rezone land within the flood fringe area from RE1 Public Recreation to a R2 Low Density Residential. However, Section 9(a) permits a Planning Proposal to be inconsistent with the Direction if it is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the <i>Floodplain Development Manual 2005</i>. The <i>Newcastle City Wide Floodplain Management Plan</i> was prepared in accordance with the Manual, and allows for certain development within flood prone land if it is in accordance with specific conditions. The Planning Proposal proposes that the R2 zone is positioned within flood fringe and storage areas, where conditions specified by the Floodplain Management Plan may be met through the residential design process. Therefore the Planning Proposal complies with the provisions of the s117 Direction.
4.4 Planning for Bushfire Protection	No	
5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	Consistent. The <i>Lower Hunter Regional Strategy</i> applies and the Planning Proposal is consistent with this strategy.
5.2 Sydney Drinking Water Catchments	No	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No	

S117 Direction	Applicable	Consistent
5.8 Second Sydney Airport: Badgerys Creek	No	
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes.	Consistent. The Planning Proposal does not propose the introduction of any new referral or concurrence provisions.
6.2 Reserving Land for Public Purposes	Yes	Consistent. The Planning Proposal does propose to reduce the land zoned and reserved for public purposes. Therefore, the approval of the relevant public authority and the Director-General of the Department of Planning and Environment to reclassify the land is being sought in accordance with Section 56 of the <i>Environmental Planning & Assessment Act 1979</i> .
6.3 Site Specific Provisions	Yes	Consistent. The PP proposes to rezone the site to an existing zone already applying in the NLEP 2012.

In addition to the Section 117 Directions addressed above, a written statement is provided within table 3 (below) addressing matters regarding the classification and reclassification of public land through a local environmental plan, pursuant to LEP Practice Note: PN 09-003.

Table 3 - LEP Practice Note PN 09-003 Written Statement

Issue	Comment
Reasons why the Planning Proposal is being prepared	The Planning Proposal is being prepared to reclassify the land as 'operational' to allow for its future sale/ disposal. The proposed rezoning will allow appropriate portions of the land to be used for residential purposes consistent with the use and character of the surrounding land, whilst retaining areas of high flood hazard within the existing recreation zone. The proceeds from any sale of the site will allow for the improvement of retained areas of parkland, potentially including the remaining areas of Maclure Reserve and nearby Heaton Park.
Current and proposed classification of the land	Current classification: 'community' Proposed classification: 'operational'
Council's ownership of/interest in the land	The site is owned by Newcastle City Council
How and when interest in the land was first acquired	Council does not hold any records of when or how the land was first acquired. Anecdotal evidence suggests the land may have been dedicated to Council as part of a historical transfer of a large number of land parcels by

	former mining or pastoral companies.
Reasons Council acquired an interest in the land	As discussed above, no records are available as to why the land was acquired.
Any agreement over the land	There are no known agreements over the land.
Indication of any financial loss or gain from the reclassification	If endorsed by Council, the site is anticipated to be sold at market value.
Asset management objectives being pursued	The disposal of part of Maclure Reserve will result in a reduction of maintenance costs to Council. The disposal of the site would allow the proceeds to be used towards the upgrade of open space areas within Jesmond.
Whether there has been an agreement for the sale or lease of the land	No agreements have been entered into for the sale or lease of the land.
Relevant matters required in plan making under the <i>Environmental Planning and Assessment Act 1979</i> .	The reclassification is proposed to be carried out in accordance with: - s55 Relevant Authority to prepare a Planning Proposal - s56 Gateway Determination - s57 Community Consultation
A copy of the practice note	A copy of the practice note will be included with the exhibition material and is attached to the Planning Proposal.

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 subject site is within an established urban environment, and vegetation is limited to maintained lawn grasses and a few scattered trees. There is no known critical habitat on the site, nor the presence of threatened species. It is unlikely that critical habitat or threatened species, populations or ecological communities would be adversely affected by the Planning Proposal.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

Mine Subsidence

The site is not located within a Mine Subsidence District.

Hydrology and Water Management

Council's records indicate that the site is 'flood prone land'. The *Flood Information Certificate* indicates that parts of the site are affected by Hunter River Flooding (Floodway and Flood Storage) and Local Catchment Flooding (Floodway, Flood Storage and Flood Fringe). The extent of these areas is shown in the maps included within Attachment 1.

The information within the *Flood Information Certificate* has been sourced from the *Newcastle City Wide Floodplain Management Plan*, prepared in accordance with the *Floodplain Development Manual 2005* prepared by the State Government. The *Flood Information Certificate* indicates the following key information for the site:

- development in areas mapped as floodway is not generally allowable;
- filling of mapped flood storage areas by more than 20% is not generally allowable;
- the minimum floor level for occupiable rooms in a new development on this site is 5.3m AHD; and
- an on-site flood refuge is required.

In response to the above, the R2 residential zoning is proposed to avoid any area of the site mapped as Floodway. The Floodway areas will retain their existing RE1 recreation zoning, which permits low-intensity uses which would be compatible with the floodway hazard (e.g. recreation areas).

The proposed R2 area is predominantly mapped as Flood Fringe, with small areas of Flood Storage along the northern, north-western and eastern boundaries. The Flood Information Certificate, along with the *Newcastle Development Control Plan 2012*, provide appropriate controls for development within such areas, such as minimum floor levels for occupiable rooms. These controls can be satisfied through the residential development design process and addressed through a development application. Similarly, any localised stormwater management issues can be addressed through the residential design and development application processes.

Bushfire

According to Newcastle Bush Fire Hazard Map (2009) the land is not affected by bushfire risk or in the vicinity of such a risk.

Heritage

There are no listed items of environmental heritage on site or in the vicinity of the site.

Contamination

The subject site is not identified as being contaminated within Council's *Contaminated Lands Database*. A review of the historical zoning of the site indicates it has been zoned and/or reserved for the purposes of 'Open Space- Public Parks and Recreation' and similar uses since at least 1960. During this time, it was not expressly permissible to undertake any of the 'potentially contaminating activities' listed in Table 1 of the *Contaminated Land Planning Guidelines*. However, there is some indication that the site may have been at least partially filled and/or contoured at some point in the past, due to the undulating topography in some areas.

While it is probable that any fill may have derived from excavation works associated with the adjacent stormwater channel and is uncontaminated, there is a risk that soil may have been imported onto the land from elsewhere and could be contaminated.

The filling appears to be limited in area and scope, and it is anticipated that any contaminated material could be readily removed and/or remediated. In order to confirm the presence or absence of contamination, a preliminary contamination assessment can be prepared to support the Planning Proposal once it passes through the Gateway, if required. If contamination is found, an appropriate Remediation Action Plan may also be prepared and implemented before development occurs.

Easement for Sewage Pipeline

An existing easement for a sewage pipeline runs through the site (attachment 2) and will be preserved as part of the Planning Proposal. The presence of the easement is not expected to significantly impact on any future development of the site and can be addressed at the design stage of any future development application.

Traffic Impacts and Vehicular and Pedestrian Access

Vehicular and pedestrian access to site and to the remainder of Maclure Reserve will be from Mayo Street. Traffic and access issues will need to be considered during the preparation and assessment of any future development applications.

The proposed extension of SH23 will require the relocation of Council's cycleway. The proposed route will be through Maclure Reserve, adjacent to the stormwater channel. A 9 metre buffer is required to be retained between the stormwater channel and the R2 land.

The Planning Proposal is consistent with the required buffer.

Visual and Acoustic Amenity

The Planning Proposal will result in a change of character of the land, from open space to residential, with associated changes in visual and acoustic amenity. The proposed zoning and development controls should ensure that future development is of a density, scale and type similar to existing surrounding development. Any future development applications on the site would need to consider these issues.

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

Social

The Planning Proposal will result in the loss of existing public open space through the potential redevelopment of part of Maclure Reserve. The existing surrounding residential development is well connected to open space with Heaton Park and the remainder of Maclure Reserve being within level walking distance of existing dwellings.

Although there will be a loss in open space the proceeds received from the site will be used to improve retained areas of open space (Maclure Reserve and Heaton Park), enhancing their functionality, attractiveness and accessibility.

Economic

Reclassifying the land will allow Council the option of selling the site, removing the existing maintenance and liability cost burden to Council. Rezoning part of the site to R2, consistent with surrounding development, will increase the range of permissible uses and therefore maximise the saleability of the land. The proceeds of any sale could contribute toward the improvement of retained areas of public open space in the locality.

Council's Public Land Reclassification Policy 2000

Council's Public Land Reclassification Policy 2000 applies to all proposals reclassifying public land from community to operational. The Planning Proposal has been assessed against Council's Policy, see below:

Issue	Comment
Step 1: Are there any significant public issues affecting the land	
Biodiversity Conservation	The land is not of significance for biodiversity conservation.
Significant natural features	The land does not contain any significant natural features.
Cultural significance	The land does not contain items of cultural significance.
Public health and safety	The land is flood-prone and affected by Class 5 Acid Sulfate Soils however it is anticipated that these issues can be appropriately addressed at the design stage.
Public access	The land does not contain a designated pathway for access to community facilities. Whilst the site has a frontage to Mayo Street, access to the northern section of Maclure Reserve is restricted by the presence of a large open stormwater channel. The site does not have any significance for public access.
Special legal status	The land is designated as a 'public reserve'.
Proceed to Step 2?	No significant public interests have been raised; therefore the proposal may proceed to Step 2.

Step 2: Will there be a net positive benefit for the community?	
Financial Impact	The proposal will have a positive financial impact on Council. Council will have the option of selling or otherwise disposing of the land, at market value. If the land is sold, Council will not be responsible for ongoing maintenance costs or liability for the site. Proceeds from any sale of the land will be available to fund improvements to retained areas of public reserve.
Land Management Impact	The proposal will have a positive benefit on Council's ability to manage nearby community land. Funds from the sale of the site will be made available for the potential improvement and maintenance surrounding open space land including the remaining area of Maclure Reserve and nearby Heaton Park.
Impact on Community Uses and Opportunities	The Planning Proposal will result in a reduction in area of an existing public reserve. However the sale of the site will allow for the remainder of Maclure Reserve and/or Heaton Park to be embellished which will improve the usability of the open space areas.
Impact on enjoyment of community land	The Planning Proposal may have a minor impact on the existing visual amenity of the area. However the proposed LEP amendments will only enable development of a similar type, scale and density to the surrounding neighbourhood. Any future development applications would need to address the maintenance of visual amenity.
Social Impact	The proposal is likely to have a positive social impact as it could contribute to the enhancement of the functionality, accessibility and attractiveness of retained public open spaces in the local area (e.g. retained portions of Maclure Reserve and Heaton Park). The existing and proposed residents within Mayo Street and the surrounding area, will still have access to open space areas through the remainder of Maclure Reserve and Heaton Park.
Economic Impact	The proposal will have a positive impact on the local economy as it will allow Council to invest funds into the enhancement of local public space, whilst reducing ongoing maintenance costs of Maclure Reserve.

Section D - State and Commonwealth interests

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

The subject site is located within an established urban area, with available connections to all necessary services (e.g. electricity, water etc). It is not considered likely that significant augmentation of services would be required for the small number of dwellings likely to be developed on the site. Such provision can be addressed at the development application stage.

The site is located in close proximity to a major public bus hub at the Stockland Jesmond Shopping Centre. A large number of community services are available in close proximity to the site, including the Jesmond Neighbourhood Centre and Jesmond Community Preschool.

Accordingly, there is considered to be adequate public infrastructure available to meet the needs of the proposal.

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

No other State and Commonwealth public authorities have been consulted at this stage but will be carried out in accordance with the requirements of the gateway determination.

Part 4 – Mapping

The planning proposal seeks to amend the following maps within Newcastle LEP 2012.

- Land Zoning Map
- Height of Buildings Map
- Floor Space Ratio Map
- Minimum Lot Size Map

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											
002C											
002D											
002E	X		X			X	X				
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 Zoning Map
- **Figure 4:** Proposed Land Zoning Map
- **Figure 5:** Existing Max Height of Buildings Map
- **Figure 6:** Proposed Max Height of Buildings Map
- **Figure 7:** Existing Max Floor Space Ratio Map
- **Figure 8:** Proposed Max Floor Space Ratio Map
- **Figure 9:** Existing Min Lot Size Map
- **Figure 10:** Proposed Min Lot Size Map

Furthermore the following maps illustrate the land proposed to be reclassified as a result of amending Schedule 4 - 'Classification and reclassification of public land':

- **Figure 11:** Existing Land Classification
- **Figure 12:** Proposed Land Classification

Existing Land Zoning Map

- Zone

B1

Neighbourhood Centre

B2

Local Centre

B3

Commercial Core

B4

Mixed Use

B5

Business Development

E1

National Parks and Nature Reserves

E2

Environmental Conservation

E3

Environmental Management

E4

Environmental Living

IN1

General Industrial

IN2

Light Industrial

IN3

Heavy Industrial

R2

Low Density Residential

R3

Medium Density Residential

R4

High Density Residential

RE1

Public Recreation

RE2

Private Recreation

SP1

Special Activities

SP2

Infrastructure

W2

Recreational Waterways

UL

Unzoned Land

Area of Interest

Cadastre

Base data 01/08/2007 © Land and Property Information (LPI)

Addendum data 08/10/2015 © City of Newcastle

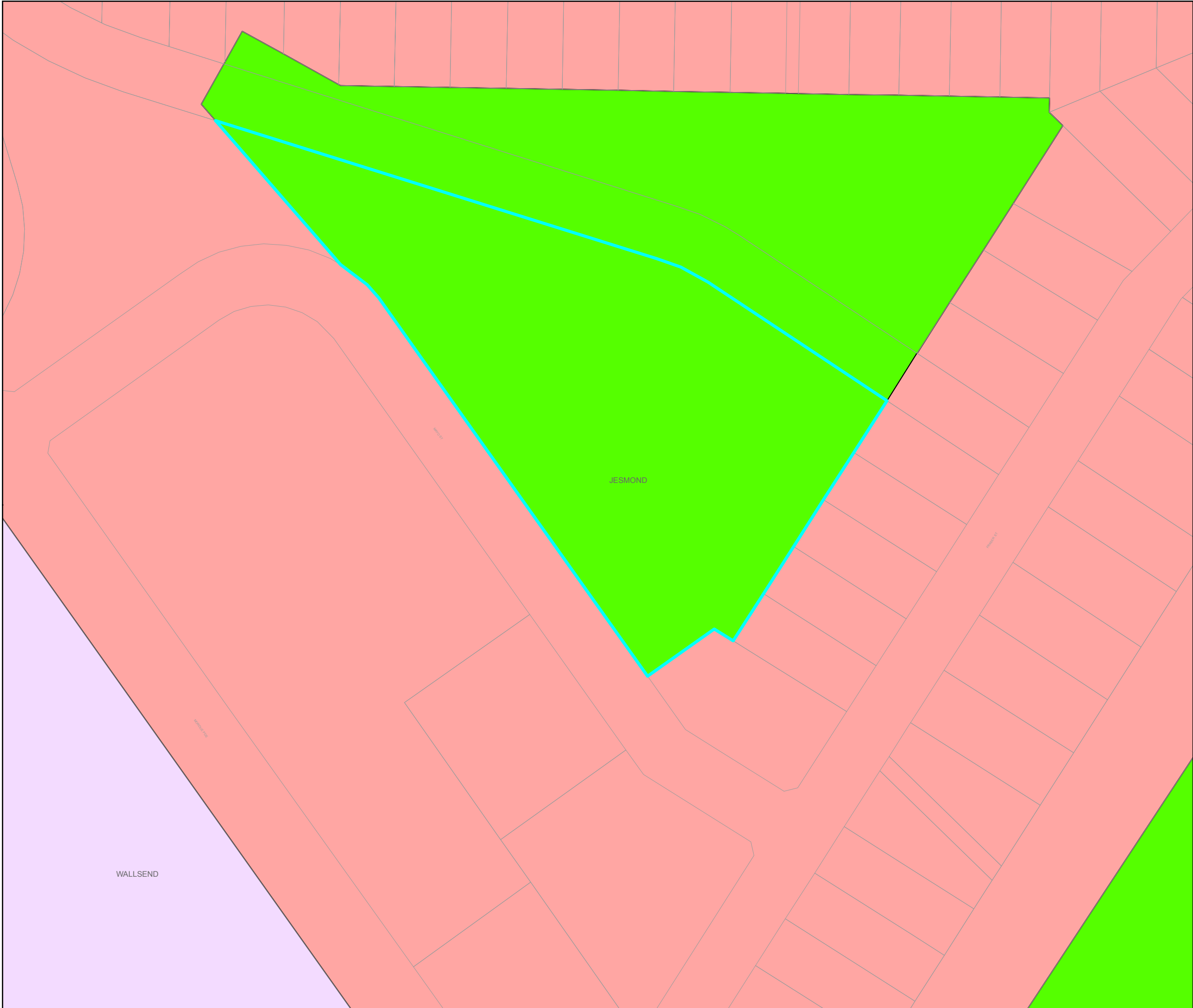
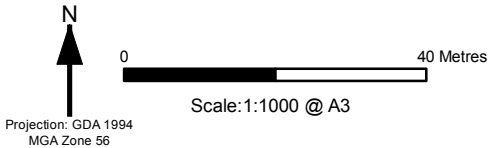
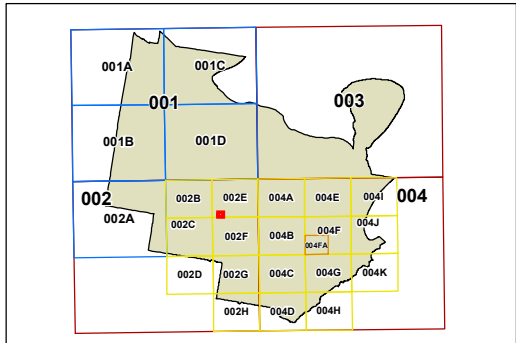


Figure 3

Proposed Land Zoning Map

- Zone

B1

Neighbourhood Centre

B2

Local Centre

B3

Commercial Core

B4

Mixed Use

B5

Business Development

E1

National Parks and Nature Reserves

E2

Environmental Conservation

E3

Environmental Management

E4

Environmental Living

IN1

General Industrial

IN2

Light Industrial

IN3

Heavy Industrial

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RE1

Public Recreation

RE2

Private Recreation

SP1

Special Activities

SP2

Infrastructure

W2

Recreational Waterways

UL

Unzoned Land

Area of Interest

Cadastre

Base data 01/08/2007 © Land and Property Information (LPI)

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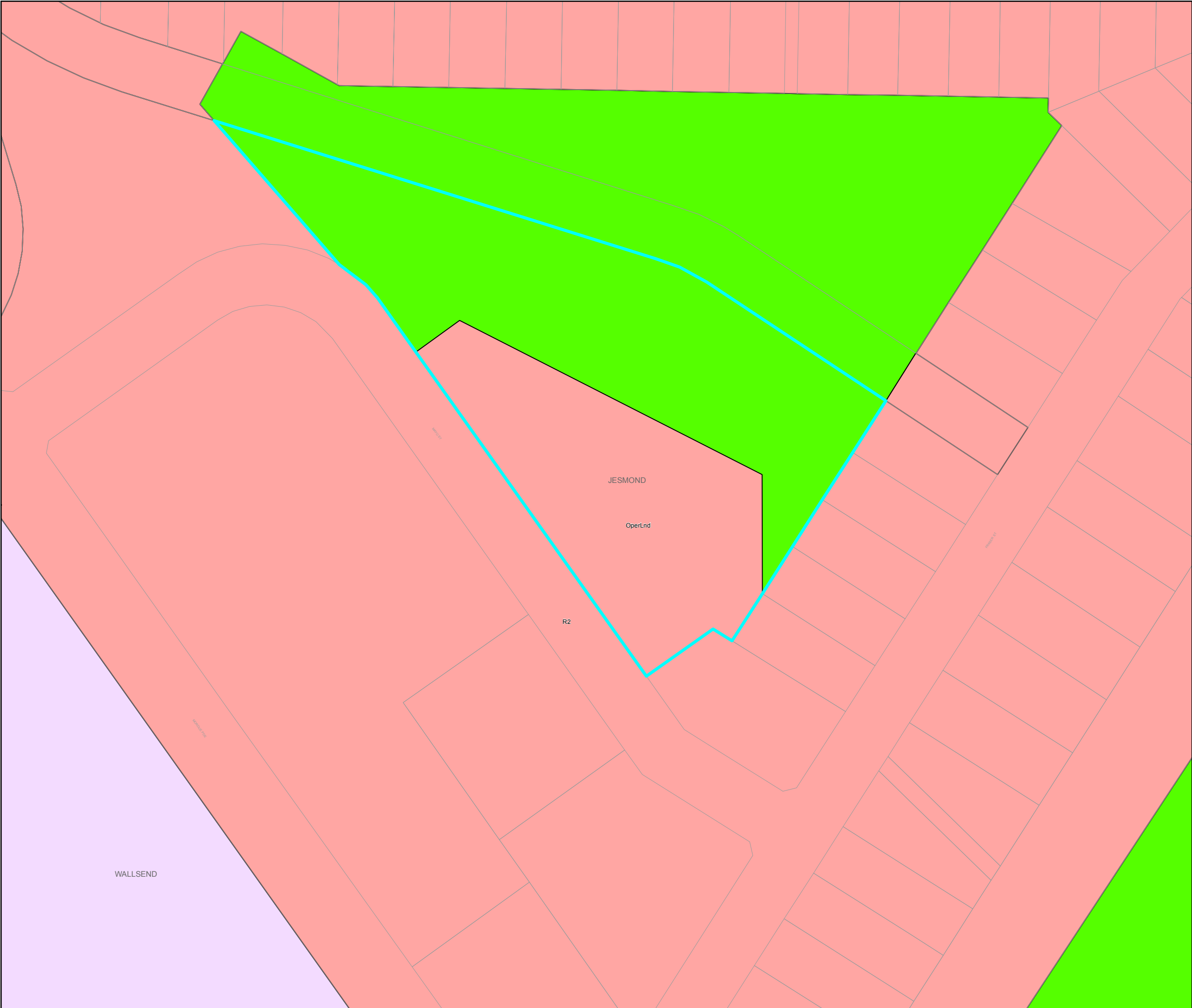
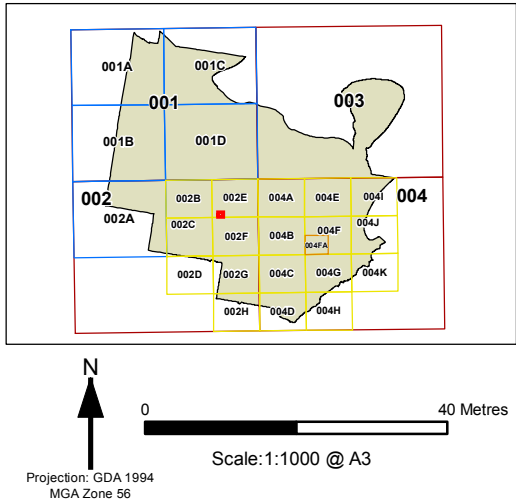


Figure 4

Existing Height of Buildings Map

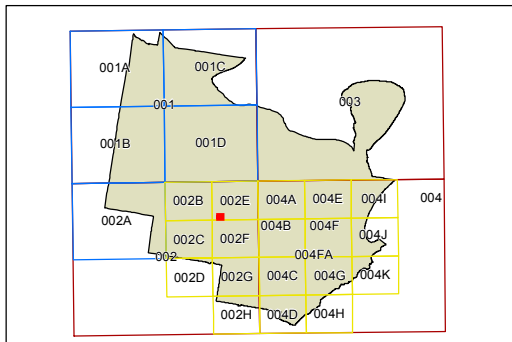
Maximum Building Height (m)

I	8.5
K	10
L	11
N	14
P1	17
P2	18
Q	20
R	21
S	24
U	30
V	35
X	45
AA	60
AB	90

 Area of Interest

Cadastral

 Base data 01/08/2007 © Land and Property Information (LPI)
Addendum data 08/10/2015 © City of Newcastle



Projection: GDA 1994
MGA Zone 56

Scale: 1:1000 @ A3

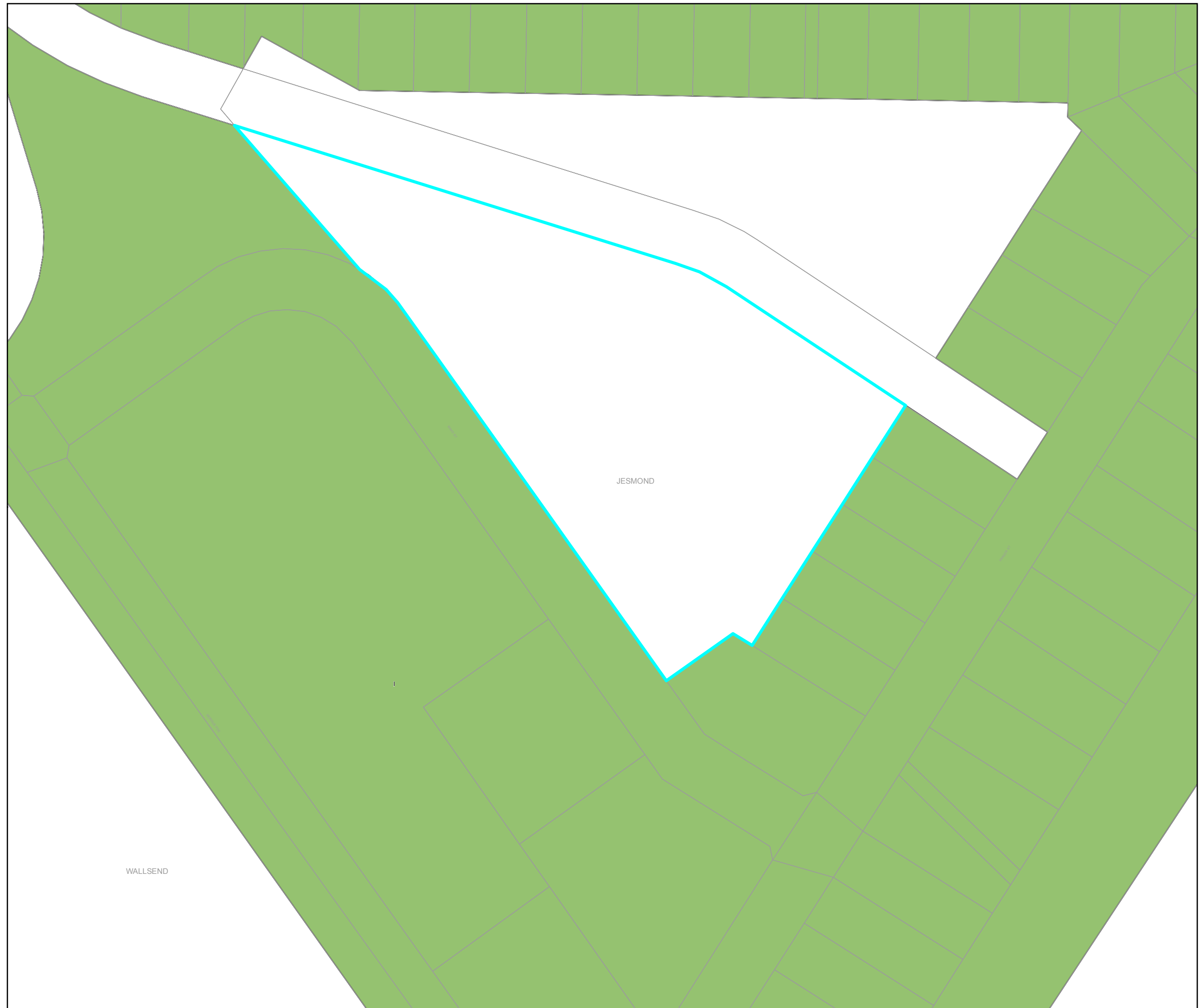


Figure 5

Proposed Height of Buildings Map

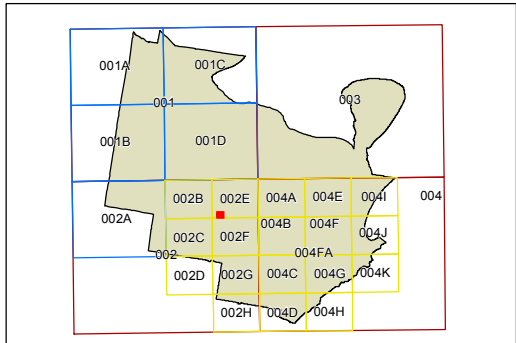
Maximum Building Height (m)

I	8.5
K	10
L	11
N	14
P1	17
P2	18
Q	20
R	21
S	24
U	30
V	35
X	45
AA	60
AB	90

Area of Interest

Cadastral

Base data 01/08/2007 © Land and Property Information (LPI)
 Addendum data 08/10/2015 © City of Newcastle



Projection: GDA 1994
MGA Zone 56

Scale:1:1000 @ A3

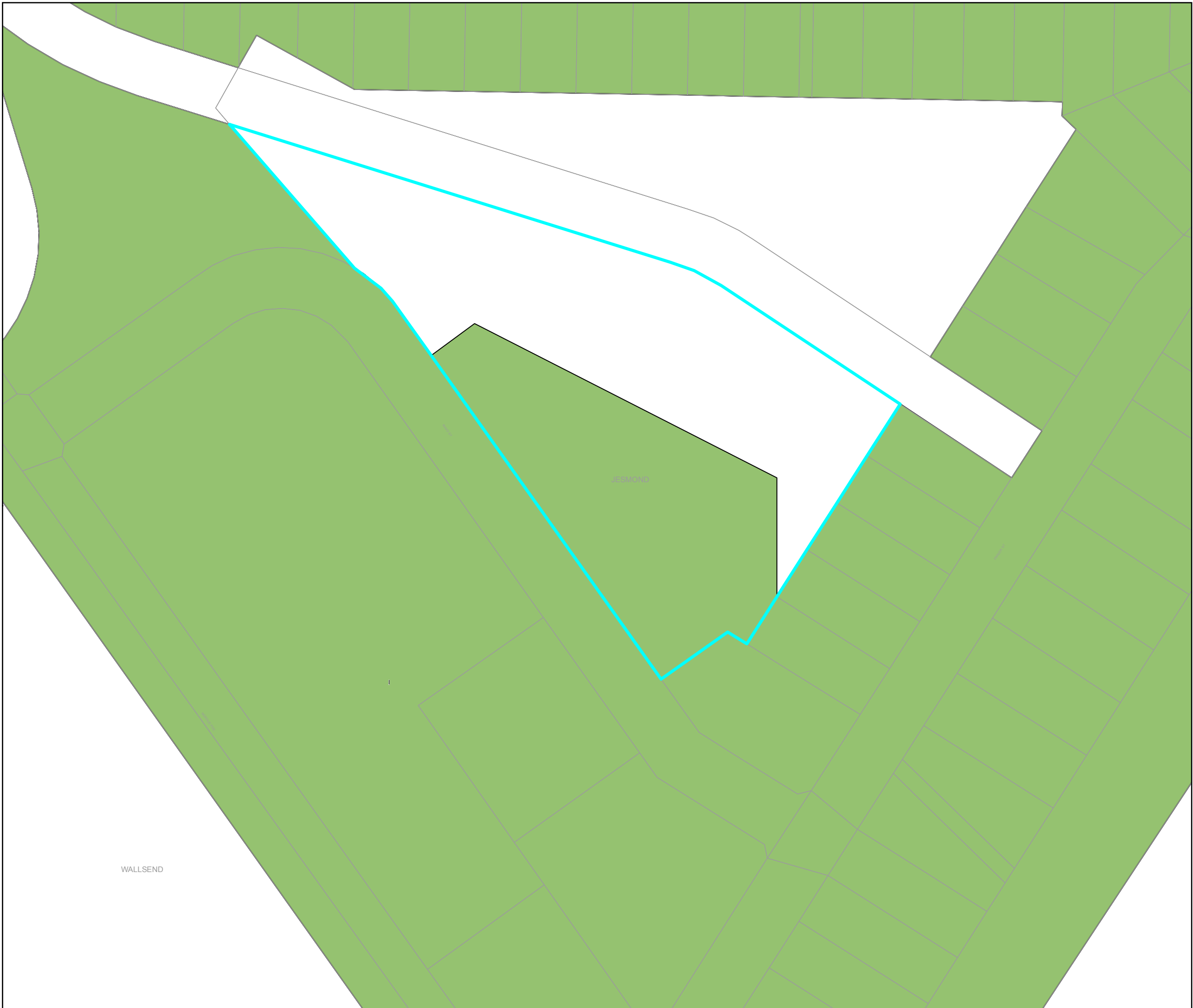


Figure 6



Newcastle Local
Environmental
Plan 2012

Existing Floor Space Ratio Map

- Area of Interest
- Refer to Clause 4.4a

Maximum Floor Space Ratio (n:1)

F	0.6
I	0.75
L	0.9
N	1
S	1.5
T	2
U	2.5
V	3
X	4
Z	5
AA	6
AB	7
AC	8

Cadastre

Base data 01/08/2007 © Land and Property Information (LPI)
Addendum data 08/10/2015 © City of Newcastle

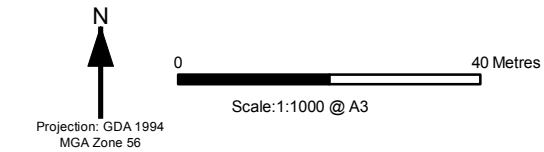
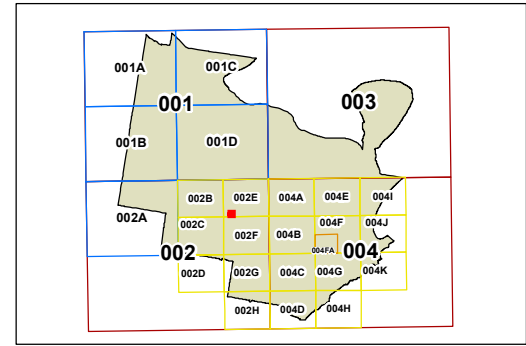


Figure 7



Newcastle Local
Environmental
Plan 2012

Proposed Floor Space Ratio Map

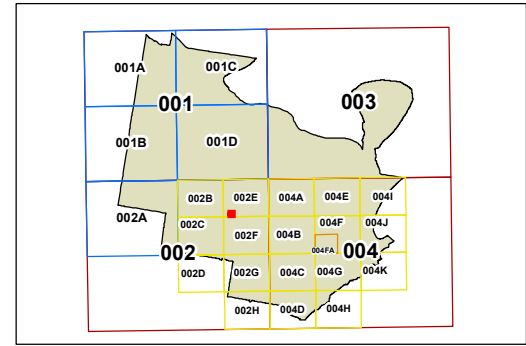
-  Area of Interest
 Refer to Clause 4.4a

Maximum Floor Space Ratio (n:1)

- | | |
|--|------|
|  | 0.6 |
|  | 0.75 |
|  | 0.9 |
|  | 1 |
|  | 1.5 |
|  | 2 |
|  | 2.5 |
|  | 3 |
|  | 4 |
|  | 5 |
|  | 6 |
|  | 7 |
|  | 8 |

Cadastre

 Base data 01/08/2007 © Land and Property Information (LPI)
Addendum data 08/10/2015 © City of Newcastle



0 40 Metres

Scale: 1:1000 @ A3

Projection: GDA 1994
MGA Zone 56

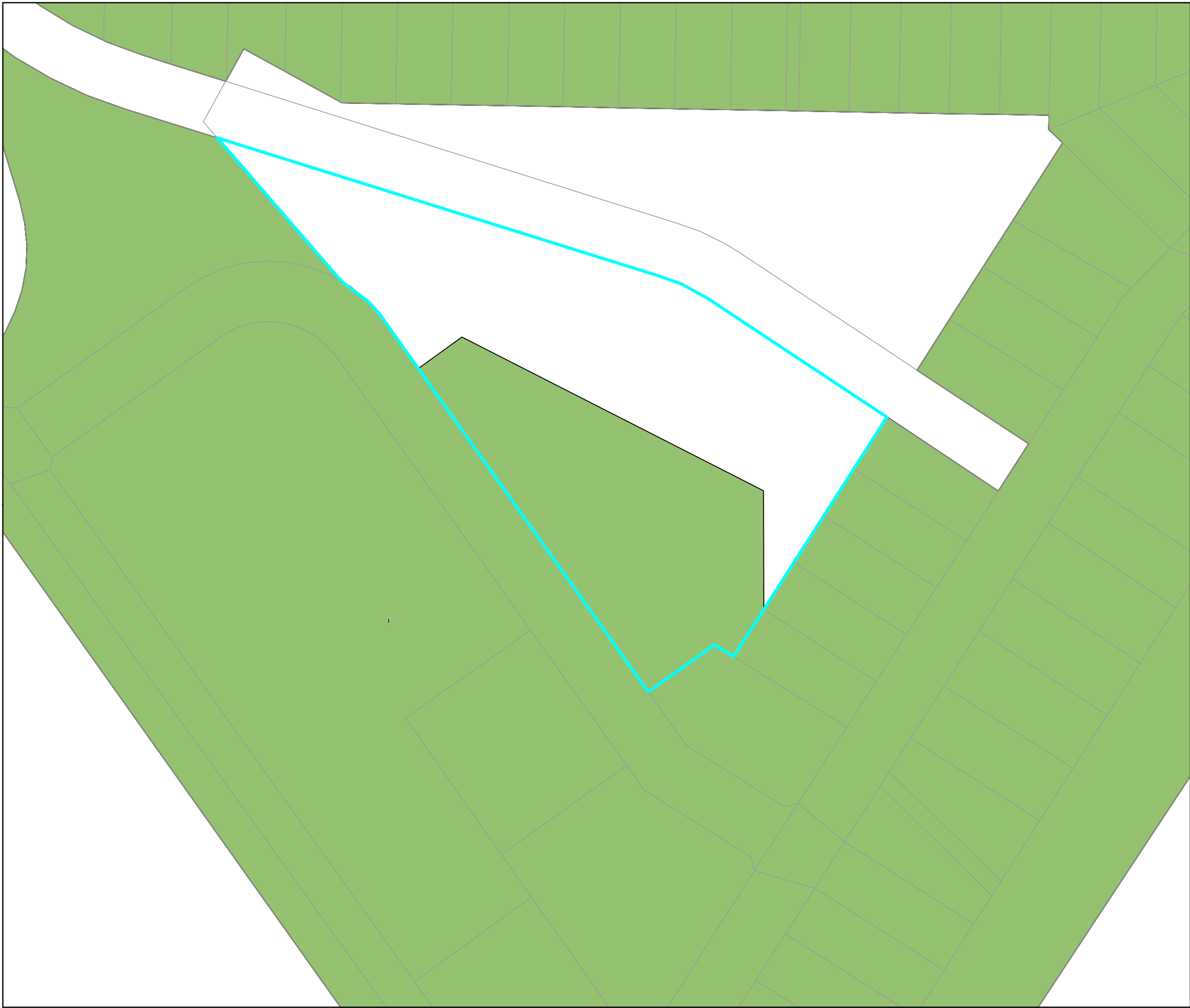


Figure 8



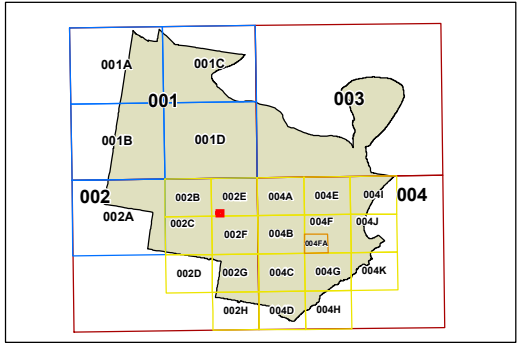
Newcastle Local
Environmental
Plan 2012

Existing Lot Size Map

Minimum Lot Size (sq m)

- F 400
- G 450
- U 1000
- W 4000
- Z 20000 (2ha)
- AB 400000 (40ha)
- Area of Interest

Cadastre Base data 01/08/2007 © Land and Property Information (LPI)
Addendum data 08/10/2015 © City of Newcastle



0 20 40 Metres

Projection: GDA 1994
MGA Zone 56
Scale: 1:1000 @ A3

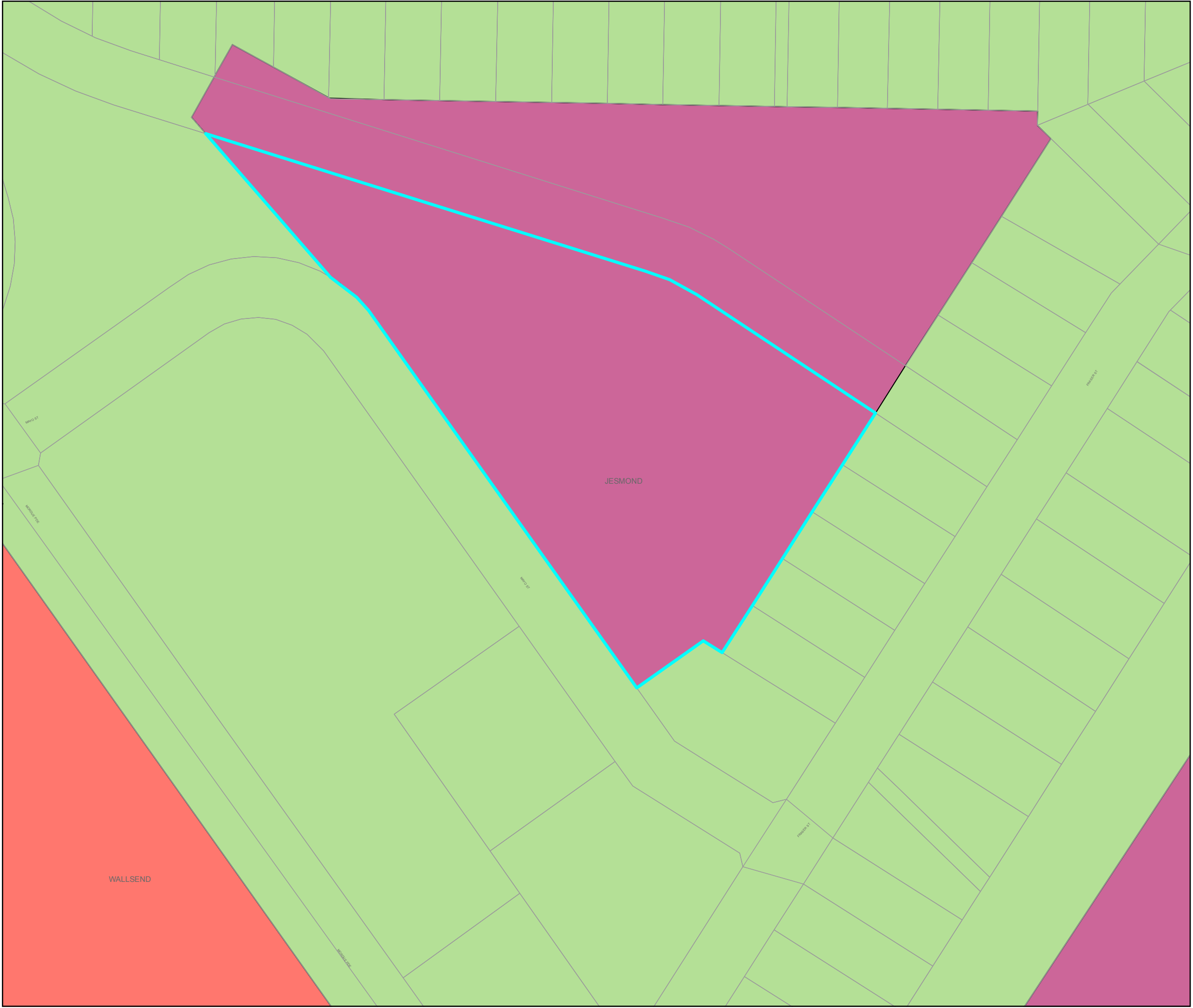


Figure 9



Newcastle Local
Environmental
Plan 2012

Proposed Lot Size Map

Minimum Lot Size (sq m)

- F 400
- G 450
- U 1000
- W 4000
- Z 20000 (2ha)
- AB 400000 (40ha)
- Area of Interest

Cadastre Base data 01/08/2007 © Land and Property Information (LPI)
Addendum data 08/10/2015 © City of Newcastle

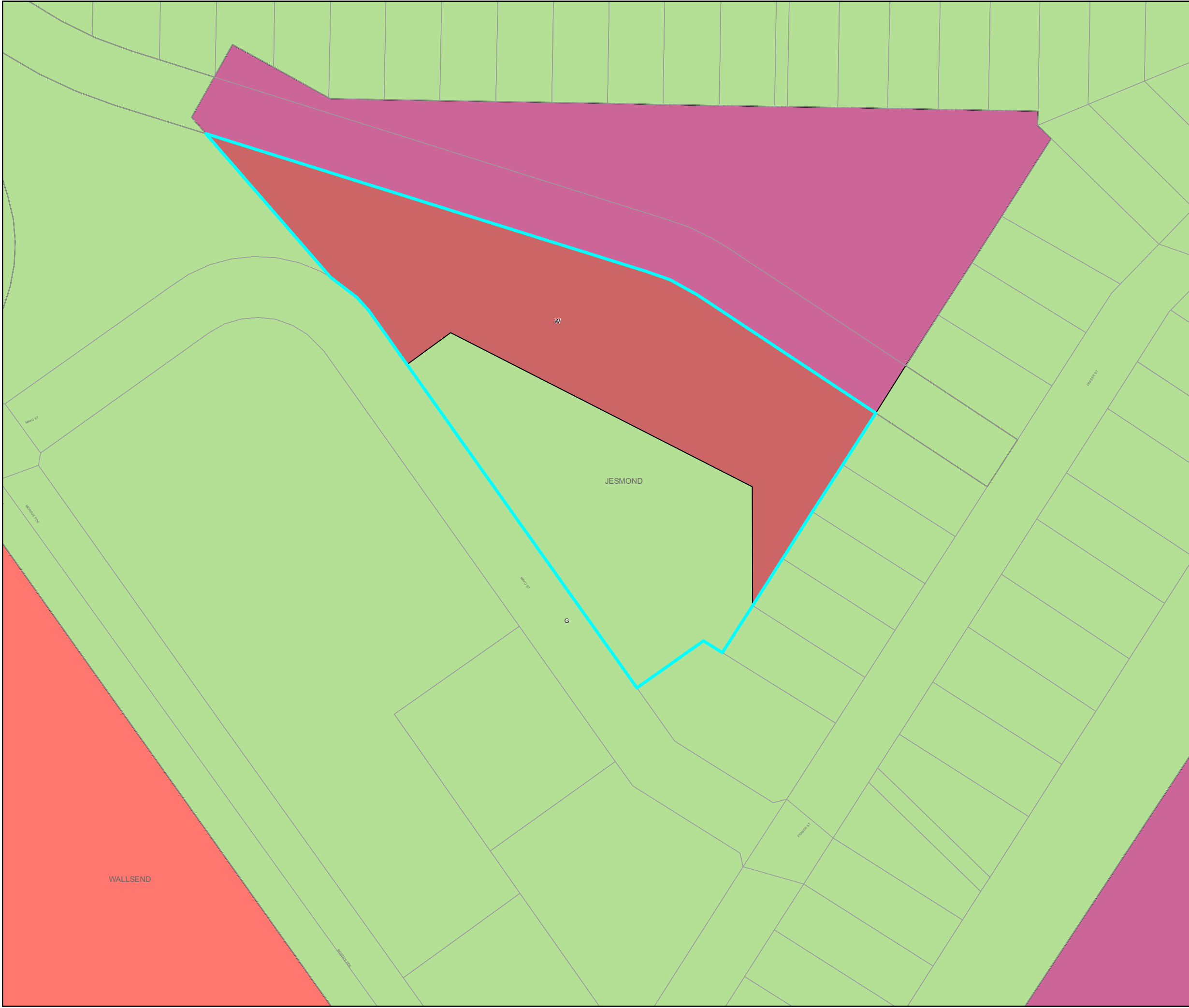
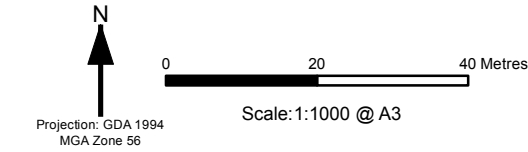
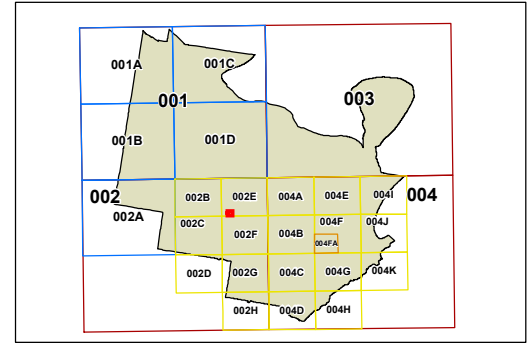


Figure 10

Existing Land Classification

- Classification**
- Community Land
 - Crown Land
 - Miscellaneous Land - Managed by Council
 - Miscellaneous Land - Lease to Council
 - Operational Land

Cadastre

Base data 01/08/2007 © Land and Property Information (LPI)
Addendum data 08/10/2015 © City of Newcastle

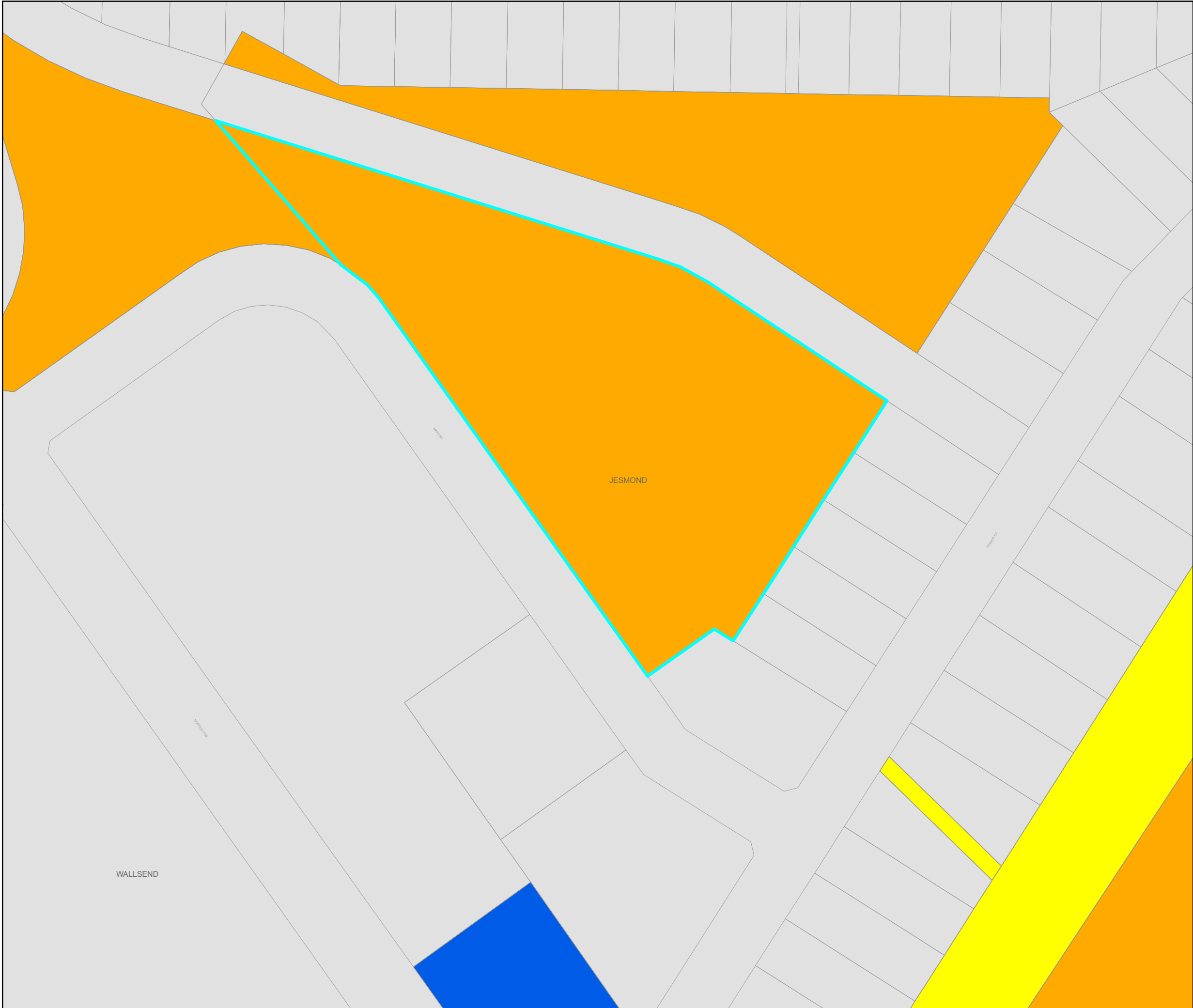
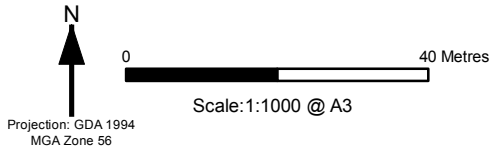
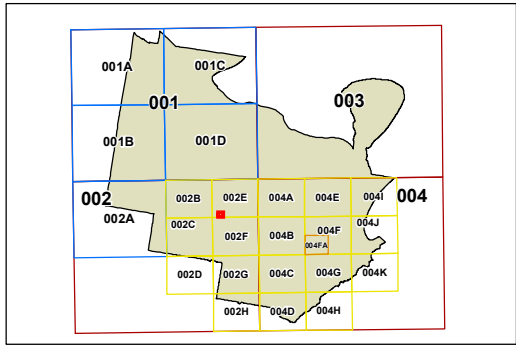


Figure 11

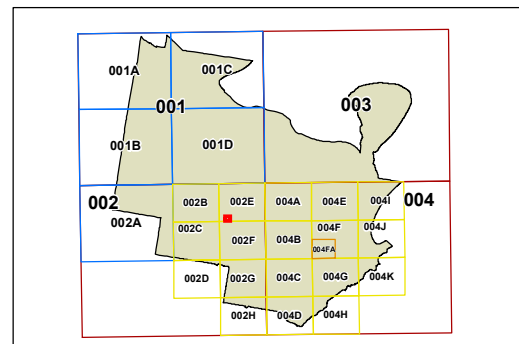
Proposed Land Classification

Classification

- Community Land
- Crown Land
- Miscellaneous Land - Managed by Council
- Miscellaneous Land - Lease to Council
- Operational Land

Cadastre

Base data 01/08/2007 © Land and Property Information (LPI)
Addendum data 08/10/2015 © City of Newcastle



0 40 Metres

Scale: 1:1000 @ A3

Projection: GDA 1994
MGA Zone 56

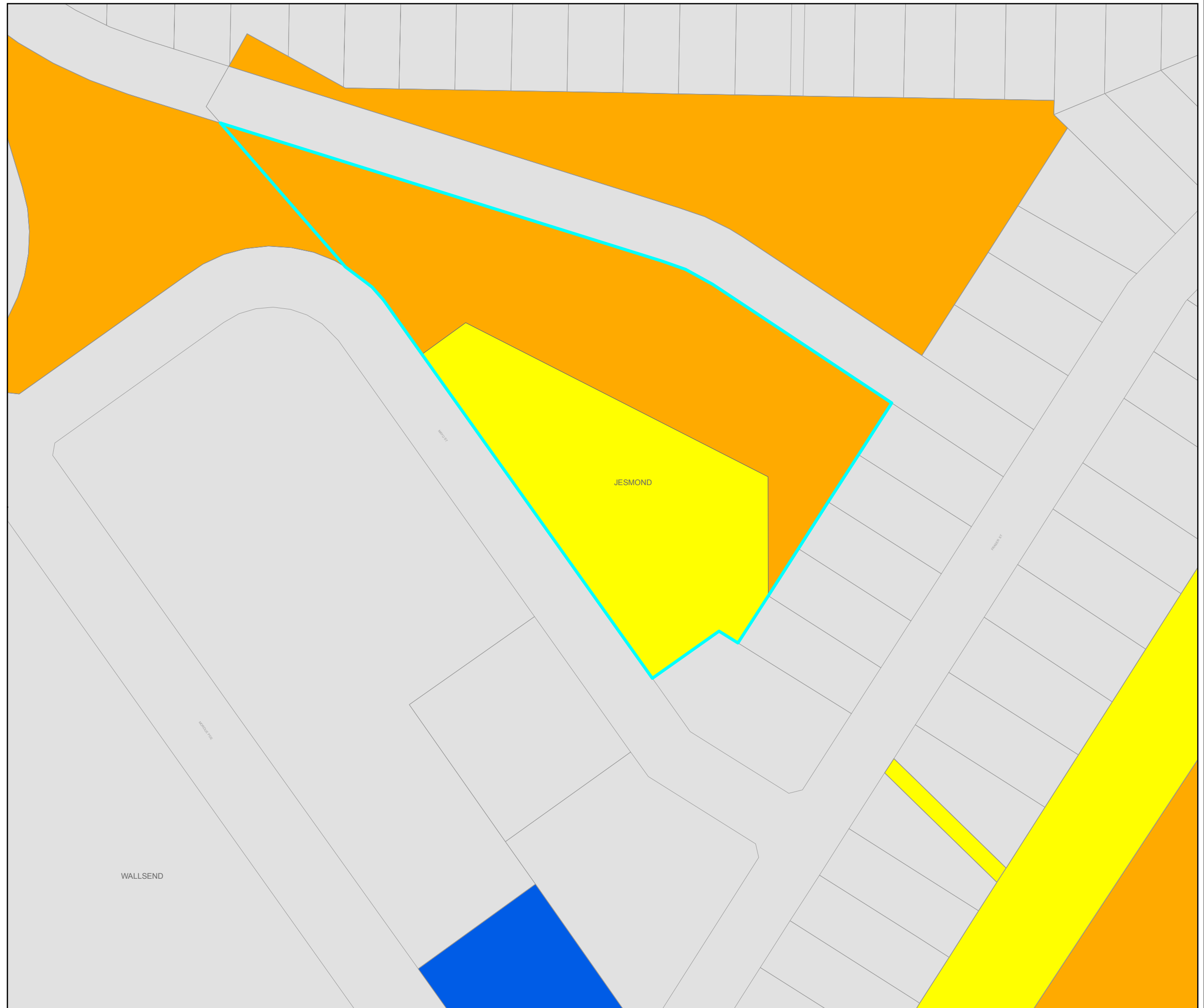


Figure 12

Part 5 – Community Consultation

Council recommends that the planning proposal be exhibited in accordance with the requirements of section 57 of the EP&A Act 1979 and section 29 of the Local Government Act 1993. The Proposal will be placed on public exhibition for a minimum of 28 days.

Written notification of the community consultation will be provided in a local newspaper and on Council's website. In addition to this adjoining landowners will be notified in writing. The written notice will contain:

- a brief description of the intended outcomes of the planning proposal
- an indication of the land which is affected by the proposal
- information on where and when the planning proposal can be inspected
- the name and address of Council for the receipt of submissions and
- the closing date for submissions.

During the public exhibition period the following documents will be placed on public exhibition:

- the planning proposal
- the gateway determination
- the council report
- the LEP practice note: Classification and reclassification of land through a Local Environmental Plan (PN09-003) and
- any additional studies required by the Gateway Determination.

Part 6 – Project Timeline

The project is expected to be completed within <<number>> months from Gateway Determination. The following timetable is proposed:

Task	Planning Proposal Timeline											
	Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16	Nov 16	Dec 16
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												

Attachment 1 – Flood Certificate

28 April 2015



City Plan Services
Suite 2 Ground Floor
14 WATT STREET
NEWCASTLE NSW 2300

PO Box 489, Newcastle
NSW 2300 Australia
Phone 02 4974 2000
Facsimile 02 4974 2222
Email mail@ncc.nsw.gov.au
www.newcastle.nsw.gov.au

Dear Sir/Madam

Flood Information Certificate No: 2015/85

Property: Lot: 20 DP: 230341
4 Mayo Street Jesmond

Thank you for your recent enquiry regarding flood behaviour at the above property. This letter confirms the property is located in a flood prone area. The pertinent features of the flood behaviour are estimated as follows:

Ocean Flooding

Is any part of the site affected by a floodway?	No
Is any part of the site affected by a flood storage area?	No
Estimated 1% Annual Exceedence Probability event level: (equivalent to the "Defined Flood Level" in the Building Code of Australia)	Not Affected
Estimated Maximum Flow Velocity of floodwaters (in the "Defined Flood Event" as per the Building Code of Australia)	N/A
Highest Property Hazard Category	N/A
Estimated Probable Maximum Flood Level	3.40m AHD
Highest Life Hazard Category	L1 (H1)

Hunter River Flooding

Is any part of the site affected by a floodway?	No
Is any part of the site affected by a flood storage area?	Yes (See Attachment 1)
Estimated 1% Annual Exceedence Probability event level: (equivalent to the “ <i>Defined Flood Level</i> ” in the Building Code of Australia)	3.80m AHD
Estimated Maximum Flow Velocity of floodwaters (in the “ <i>Defined Flood Event</i> ” as per the Building Code of Australia)	0.52m/s
Highest Property Hazard Category	P2
Estimated Probable Maximum Flood Level	6.66m AHD
Highest Life Hazard Category	L1 (H5)

Local Catchment Flooding

Is any part of the site affected by a floodway?	Yes (See Attachment 2)
Is any part of the site affected by a flood storage area?	Yes (See Attachment 2)
Estimated 1% Annual Exceedence Probability event level: (equivalent to the “ <i>Defined Flood Level</i> ” in the Building Code of Australia)	4.80m AHD
Estimated Maximum Flow Velocity of floodwaters (in the “ <i>Defined Flood Event</i> ” as per the Building Code of Australia)	0.97m/s
Highest Property Hazard Category	P3
Estimated Probable Maximum Flood Level	6.65m AHD
Highest Life Hazard Category	L5 (H5) (See Attachment 3)

The flood study from which the above information is derived is part of a Newcastle City Wide Floodplain Management Plan. The above advice may change in the future, however the advice is based on the best information held by Council at the time of issue of this certificate.

The above ocean flood level estimates include a sea level rise relative to 1990 mean sea levels of 90cm by 2100, as used in the Newcastle City-wide Floodplain Risk Management Study and Plan (June 2012).

The Newcastle Development Control Plan 2012 addresses the issues of flood management for new development. You can view the development control plan at www.newcastle.nsw.gov.au. In summary, the following requirements apply for all future development applications on the site.

Development in a floodway is not generally allowable due to likely redistribution of flood water.	Applicable
Filling of a flood storage area by more than 20% is not generally allowable due to redistribution of flood water.	Applicable
Minimum floor level for occupiable rooms in a new development on this site is: (equivalent to the " <i>Flood Hazard Level</i> " in the Building Code of Australia)	5.30m AHD
Is onsite flood refuge required?	Yes

Council holds no information concerning floor levels of existing structures on the site. Site levels and floor levels should be verified by survey based on the Australian Height Datum.

It is estimated that, during the June 2007 storms, flood waters reached a level of approximately 4.9m AHD in the vicinity of the specified land.

Please note that:

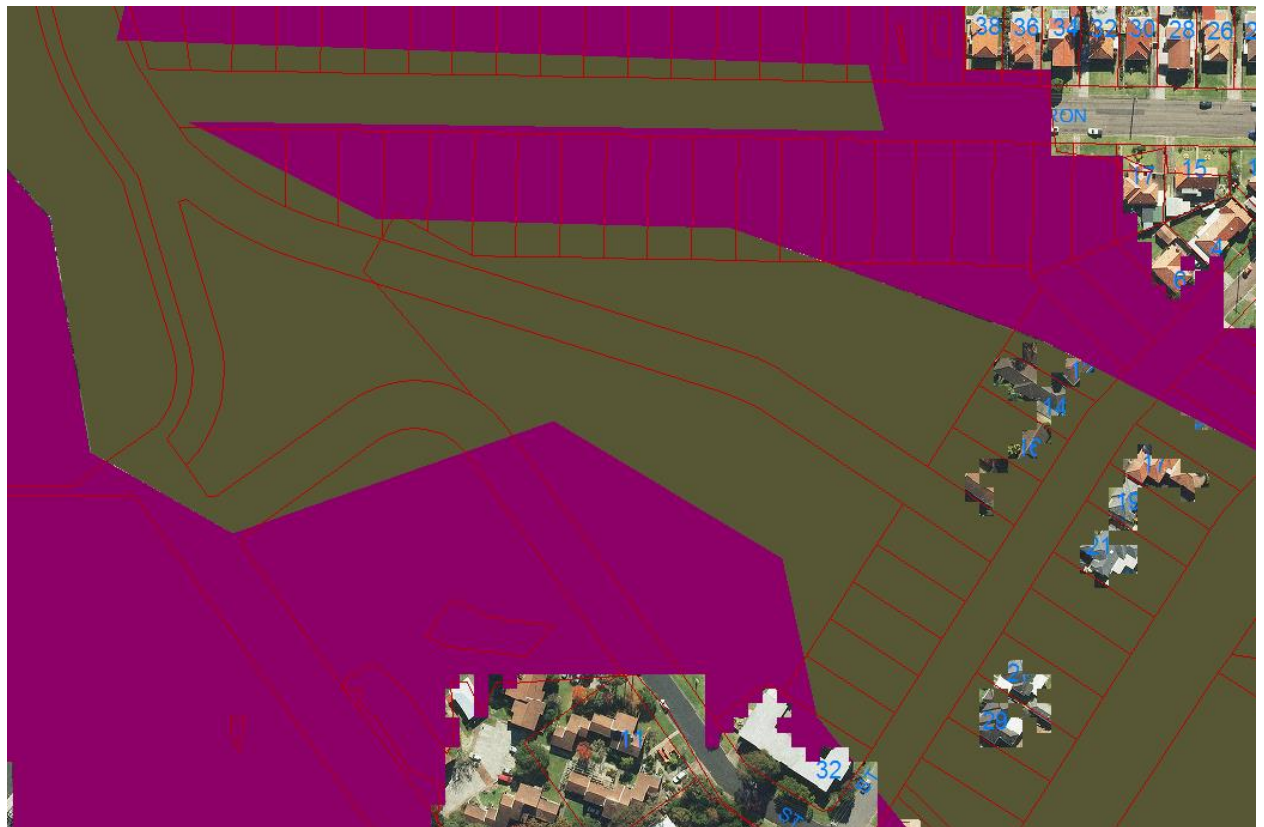
1. No assessment of the lot's suitability for the purposes of making an application for a complying development certificate under the General Housing Code or Rural Housing Code of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, or for a Secondary Dwelling under *State Environmental Planning Policy (Affordable Rental Housing) 2009*, has been made. This type of flood information can also be obtained from Council via a Flood Information Application. There are two services provided by Council relating to Complying Development flood criteria, as follows:
 - a) Identification of lots affected by any of the flood control lot exclusions identified in subclause 3.36C(2) or 3A.38(2) of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. If this information is required, select Box 4. b) (i) on the Flood Information Application form and pay the required fee.
 - b) An assessment of a proposal for development of the lot for compliance with the requirements of subclause 3.36C(3) or 3A.38(3) of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. If this information is required, select Box 4. b) (ii) on the Flood Information Application form, submit plans and other relevant documentation for the proposal and pay the required fee.
2. The information contained in this certificate may alter in the future. The applicant should at all times ensure the currency of this information.

Should you require any further clarification please contact A Peddie on 4974 2788.

A handwritten signature in black ink that reads "A Peddie". The signature is written in a cursive style with a large, looped 'A' and a trailing flourish.

**Alastair Peddie MIEAust, CPEng
Senior Development Officer (Engineering)
Development & Building Services**

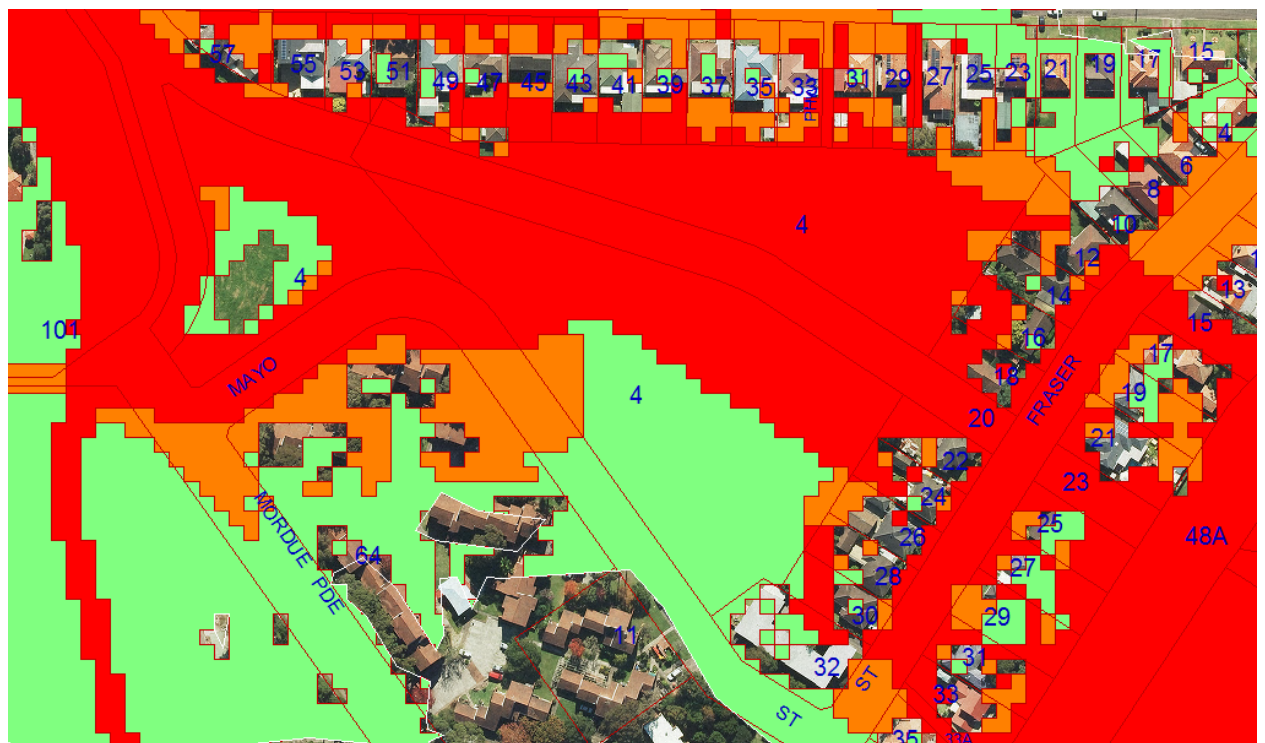
Attachment 1: Hunter River Flood Classifications



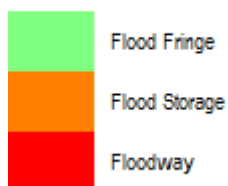
Legend

	Hunter Floodway
	Hunter Storage
	Hunter_Flood_Fringe

Attachment 2: Local Catchment Flood Classifications



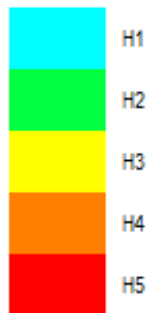
FLOODCLASSIFICATION



Attachment 3: Life Hazards (Local Catchment Flooding)



Hazard



Attachment 2 - Easement for Sewage Pipeline

CERTIFICATE OF TITLE
REAL PROPERTY ACT, 1900, as amended.

TORRENS TITLE
Register Book

NEW SOUTH WALES

Appln. No. 15248

Prior Title Vol. 9609 Fol. 89

SC.

Vol. 10396 Fol. 20

Edition issued 13-9-1966.



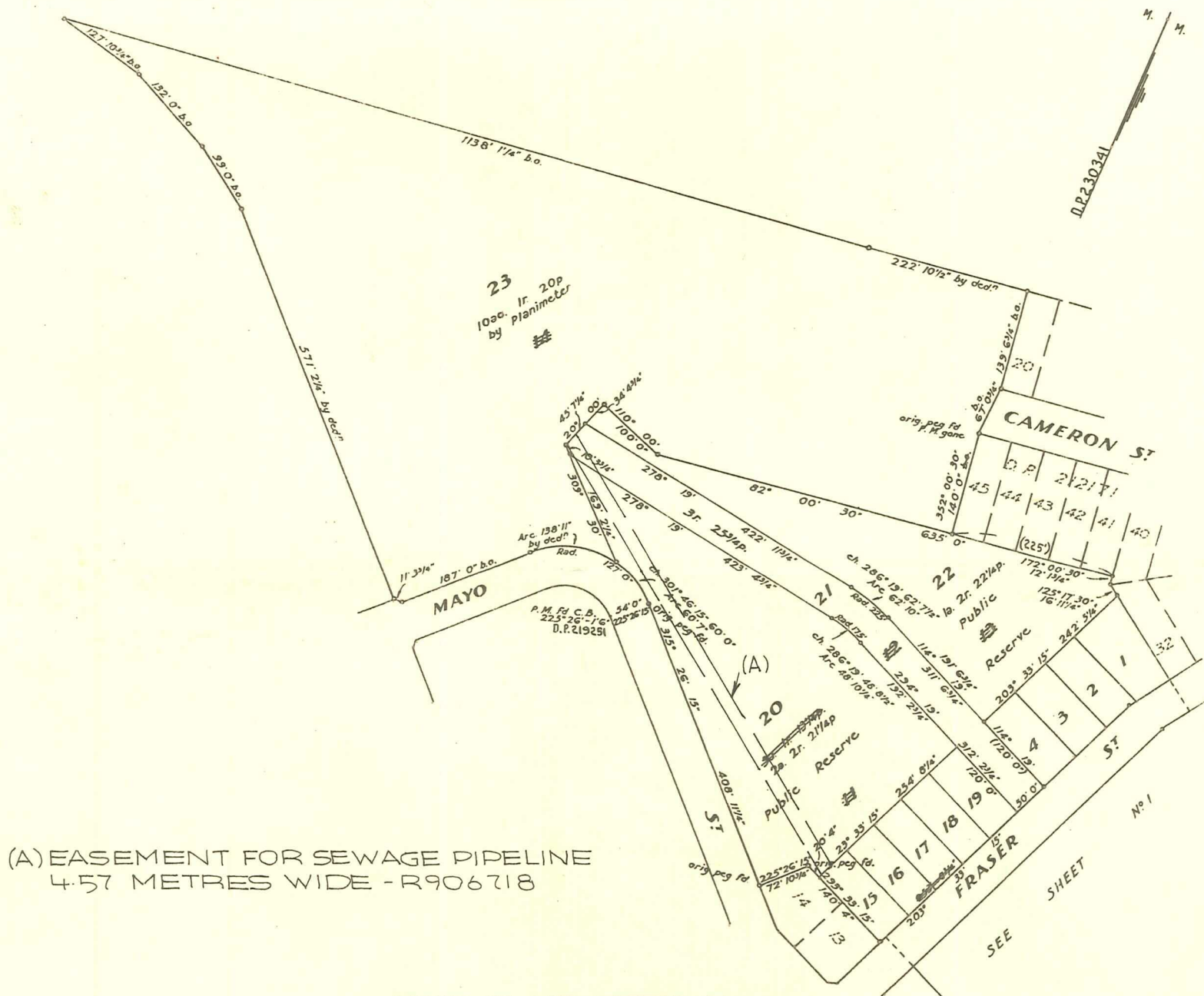
I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such exceptions encumbrances and interests as are shown in the Second Schedule.

Witness *D. Sullivan.*

J. Watson
Registrar General.



PLAN SHOWING LOCATION OF LAND



(A) EASEMENT FOR SEWAGE PIPELINE
4.57 METRES WIDE - R906718

ESTATE AND LAND REFERRED TO.

Estate in Fee Simple in Lot 20 in Deposited Plan 230341 at Jesmond in the City of Newcastle, Parish of Newcastle and County of Northumberland being part of Portion 14 granted to John Whitehill Stevens on 31-3-1843, excepting thereout all coal and other minerals excepted by Transfer No. D266105.

FIRST SCHEDULE (Continued overleaf)

THE COUNCIL OF THE CITY OF NEWCASTLE.

J. Watson
Registrar General.

SECOND SCHEDULE (Continued overleaf)

1. Reservations and conditions, if any, contained in the Crown Grant above referred to.
2. Rights to mine all coal and other minerals affecting the land above described as set out in Transfer No. D266105.
3. Covenant created by Transfer No. D266105.
4. No. K200000P Caveat by the Registrar General forbidding registration of instruments not authorised by the provisions of the Local Government Act, 1919, relating to public reserves.

J. Watson
Registrar General.

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON