

**COUNCIL MEETING
15 JULY 2009**

ATTACHMENT B

CCL 15/09/2009

2009 AMENDMENTS TO THE NEWCASTLE LEP

ATTACHMENT B: To permit development of a service station and ancillary convenience shop at 531 to 537 Glebe Road Adamstown

Part 1 - Objectives or Intended Outcomes

To enable the existing service station and vacant land at 531 to 537 Glebe Road, Adamstown to be redeveloped as a service station and ancillary convenience store.

Part 2 - Explanation of Provisions

Amendment of Newcastle LEP 2003 Land Zoning Map to rezone the subject site shown in Appendix 3 to 3(a) Local Centre.

Part 3 – Justification

Section A - Need for the planning proposal.

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

The site forms part of the investigation area Council identified forming the Broadmeadow – Adamstown (Brunker Road) Renewal Corridor. The Renewal Corridors are identified in the Lower Hunter Regional Strategy (LHRS) and are situated along strategic transport routes and link strategic centres. The renewal corridors present opportunities for economic renewal and / or housing renewal and intensification.

As part of background work on the Brunker Road Corridor undertaken by Council, preliminary Standard Instrument zones are identified. It is proposed to public exhibit the Broadmeadow – Adamstown (Brunker Road) Renewal Corridor this year as a draft DCP, but not include changes to the LEP zones until the city-wide comprehensive LEP based on the Standard Instrument is prepared in June 2011. A preliminary zoning based on investigation of the areas indicates a B1 Neighbourhood Centre zone is appropriate for the site.

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

To achieve the redevelopment of the site for the proposed service station and ancillary convenience store, the proposed amendment to the Newcastle LEP 2003 outlined in this planning proposal is the best means of achieving the intended outcomes. Legal advice tendered to council means the site cannot be developed to allow a service station over Lots 1 to 3, and a convenience store of Lot 4, even though the corresponding zones may allow for such a development.

Consideration has been given to retaining the site for residential development or another use permissible under the 2(b) Zone. Recommendation by council's environmental health officers supported the continuing use of the site for non-residential uses as this will prevent future potential health risks

should a more sensitive landuse be proposed for the land under the current zoning.

As discussed above the site is part of the investigation area identified for the Broadmeadow – Adamstown (Brunker Road) Renewal Corridor. The background report proposes a future B1 Neighbourhood Centre Zone over the site. An equivalent 3(a) Local Centre Zone is appropriate for the site.

It is not considered appropriate to wait until the gazettal of the 2011 LEP to allow the development to proceed. This will impede the intended economic renewal of the corridor until then.

3. Is there a net community benefit?

Retaining the existing zoning of the land will result in limited redevelopment opportunities, likely to result in the site remaining underutilised.

Section B - Relationship to strategic planning framework.

4. 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)?

As discussed, the site forms part of the study area Council identified as the Broadmeadow – Adamstown (Brunker Road) Renewal Corridor. Redevelopment of the site for the proposed use is considered consistent with the opportunity to provide for economic renewal of the corridor.

The proposal will support the Adamstown Centre. The site is located on the periphery of the centre and renewal corridor, catering for the surrounding neighbourhood, and providing convenience to commuters along the renewal corridor. This will allow the Adamstown commercial centre to develop for uses specified in the LHRS, and provide for improved access to employment, shopping and other services (including health, community and personal services, education, leisure, entertainment and cultural facilities). The provision of a neighbourhood commercial area on the periphery of the Adamstown centre is considered consistent with the centres and corridors section of the LHRS.

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

The Newcastle Urban Strategy is Council's local strategic planning document. The planning proposal is consistent with the following objectives relating to Adamstown:

- *Provide for improved employment opportunities;*

The planning proposal will provide improved employment opportunities through development for commercial purposes over the site. Given constraints relating to past uses, it is unlikely the site can be redeveloped for other employment uses.

- *Design new buildings to better cope with traffic volumes and capitalise on passing trade along Glebe Road, Park Avenue and Brunner Road.*

The site is located along Glebe Road on the periphery of the Adamstown Centre. The planning proposal enabling development for a service station and ancillary convenience shop will better cope with traffic volumes and capitalise on passing trade.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with State Environmental Planning Policies (refer to Appendix 1).

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

The planning proposal is consistent with Section 117 directions (refer to Appendix 2).

Section C - Environmental, social and economic impact.

8. 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 site was previously used as a service station, and is cleared of all pre-existing vegetation. As such there is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal.

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

No other environmental effects not already discussed have been identified.

10. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal will provide for economic renewal of the corridor, and provide accessible shopping to meet the needs of the surrounding neighbourhood. Other social effects, including items or places of European or aboriginal heritage significance, were not identified during preparation of the proposal.

Section D - State and Commonwealth interests.

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

The planning proposal is for an additional use to be permitted on the site which may result in approval of a service station and convenience shop. Sufficient public infrastructure is provided in the area to accommodate the planning proposal.

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

No consultation has been carried out at this stage. Consultation will occur with relevant State and Commonwealth Public Authorities identified as part of the gateway determination.

Part 4 – Community Consultation

The planning proposal is considered to be of low impact, in that:

- it is consistent with the pattern of surrounding land uses;
- is consistent with the strategic planning framework;
- presents no issues with regard to infrastructure servicing;
- is not a principle LEP; and
- does not reclassify public land.

In accordance with “*A guide to preparing local environmental plans*” it is proposed to publicly exhibit the planning proposal for a period of 14 days.

Appendix 1: Consideration of State Environmental Planning Policies

	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy No 1—Development Standards	No	n/a	
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	Yes	Yes	
State Environmental Planning Policy No 6—Number of Storeys in a Building	No	n/a	
State Environmental Planning Policy No 14—Coastal Wetlands	No	n/a	
State Environmental Planning Policy No 15—Rural Landsharing Communities	No	n/a	
State Environmental Planning Policy No 19—Bushland in Urban Areas	No	n/a	
State Environmental Planning Policy No 21—Caravan Parks	No	n/a	
State Environmental Planning Policy No 22—Shops and Commercial Premises	No	n/a	
State Environmental Planning Policy No 26—Littoral Rainforests	No	n/a	
State Environmental Planning Policy No 29—Western Sydney Recreation Area	No	n/a	
State Environmental Planning Policy No 30—Intensive Agriculture	No	n/a	
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	Yes	Yes	
State Environmental Planning Policy No 33—Hazardous and Offensive Development	No	n/a	
State Environmental Planning Policy No 36—Manufactured Home Estates	No	n/a	
State Environmental Planning Policy No 39—Spit Island Bird Habitat	No	n/a	
State Environmental Planning Policy No 41—Casino Entertainment Complex	No	n/a	
State Environmental Planning Policy No 44—Koala Habitat Protection	No	n/a	

State Environmental Planning Policy No 47—Moore Park Showground	No	n/a	
State Environmental Planning Policy No 50—Canal Estate Development	No	n/a	
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	No	n/a	
State Environmental Planning Policy No 53—Metropolitan Residential Development	No	n/a	
State Environmental Planning Policy No 55—Remediation of Land	Yes	Yes	
State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area	No	n/a	
State Environmental Planning Policy No 60—Exempt and Complying Development	No	n/a	
State Environmental Planning Policy No 62—Sustainable Aquaculture	No	n/a	
State Environmental Planning Policy No 64—Advertising and Signage	No	n/a	
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	No	n/a	
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	No	n/a	
State Environmental Planning Policy No 71—Coastal Protection	No	n/a	
State Environmental Planning Policy (Affordable Rental Housing) 2009	No	n/a	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No	n/a	
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No	n/a	
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Yes	Yes	
State Environmental Planning Policy (Infrastructure) 2007	Yes	Yes	
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	No	n/a	
State Environmental Planning Policy (Major Development) 2005	Yes	Yes	

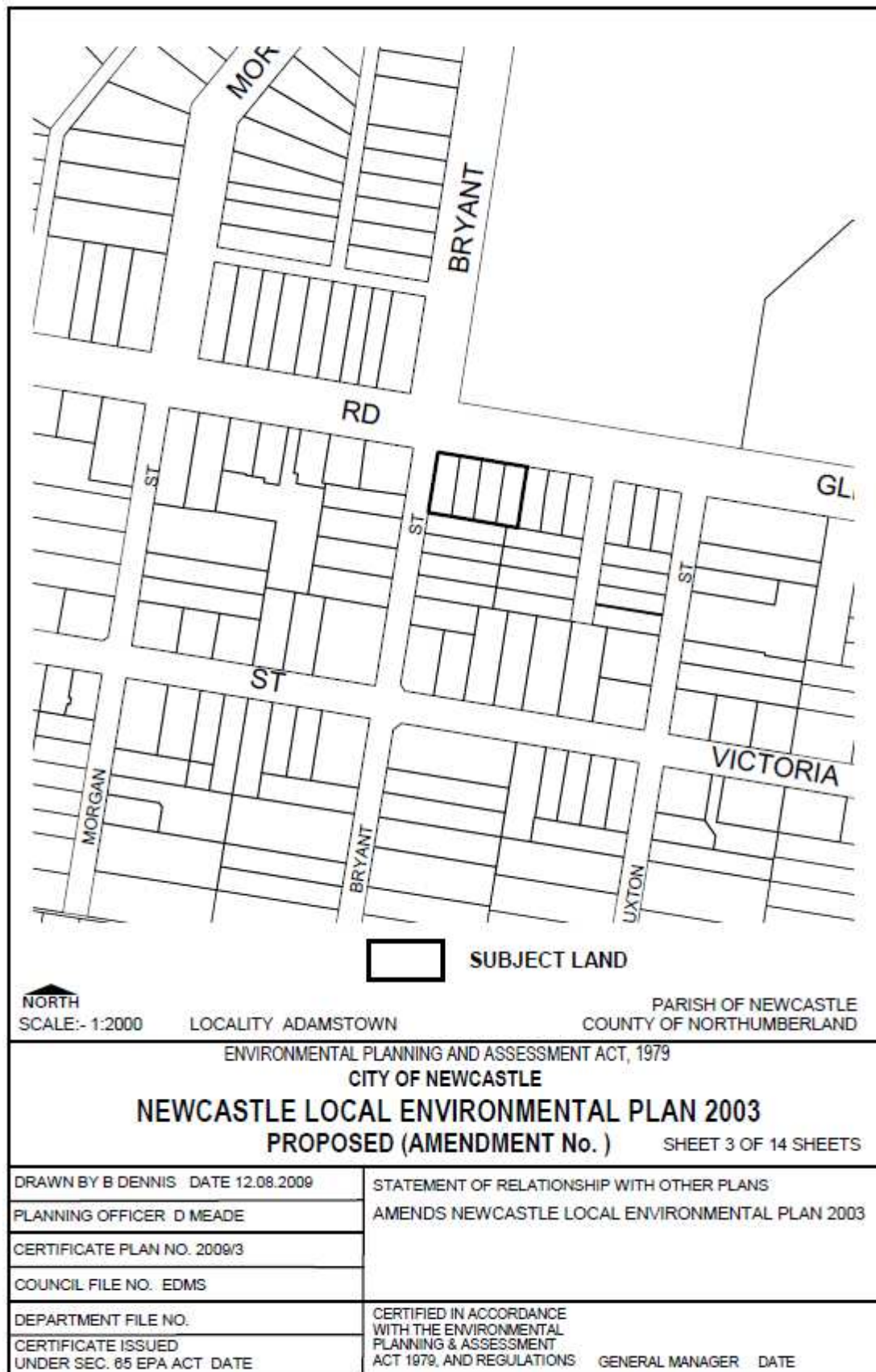
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Yes	Yes	
State Environmental Planning Policy (Rural Lands) 2008	No	n/a	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	n/a	
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007	No	n/a	
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	n/a	

Appendix 2: Consistency with Section 117 Directions

	Applicable	Consistent	Reason for inconsistency
1. Employment and Resources			
1.1 Business and Industrial Zones	Yes	Yes	
1.2 Rural Zones	No	Not applicable	
1.3 Mining, Petroleum Production and Extractive Industries	No	Not applicable	
1.4 Oyster Aquaculture	No	Not applicable	
1.5 Rural Lands	No	Not applicable	
2. Environment and Heritage			
2.1 Environment Protection Zones	No	Not applicable	
2.2 Coastal Protection	No	Not applicable	
2.3 Heritage Conservation	No	Not applicable	
2.4 Recreation Vehicle Areas	No	Not applicable	
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Yes	Yes	
3.2 Caravan Parks and Manufactured Home Estates	No	Not applicable	
3.3 Home Occupations	No	Not applicable	
3.4 Integrating Land Use and Transport	Yes	Yes	
3.5 Development Near Licensed Aerodromes	No	Not applicable	
4. Hazard and Risk			

4.1 Acid Sulfate Soils	No	Not applicable	
4.2 Mine Subsidence and Unstable Land	No	Not applicable	
4.3 Flood Prone Land	No	Not applicable	
4.4 Planning for Bushfire Protection	No	Not applicable	
5. Regional Planning			
5.1 Implementation of Regional Strategies	Yes	Yes	
5.2 Sydney Drinking Water Catchments	No	Not applicable	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	Not applicable	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	Not applicable	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	Not applicable	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No	Not applicable	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No	Not applicable	
5.8 Second Sydney Airport: Badgerys Creek	No	Not applicable	
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	
6.2 Reserving Land for Public Purposes	Yes	Yes	
6.3 Site Specific Provisions	Yes	Yes	

Appendix 3: Proposed Amendment to the Newcastle LEP 2003 Zoning Map



Appendix 4: Aerial view of the subject land



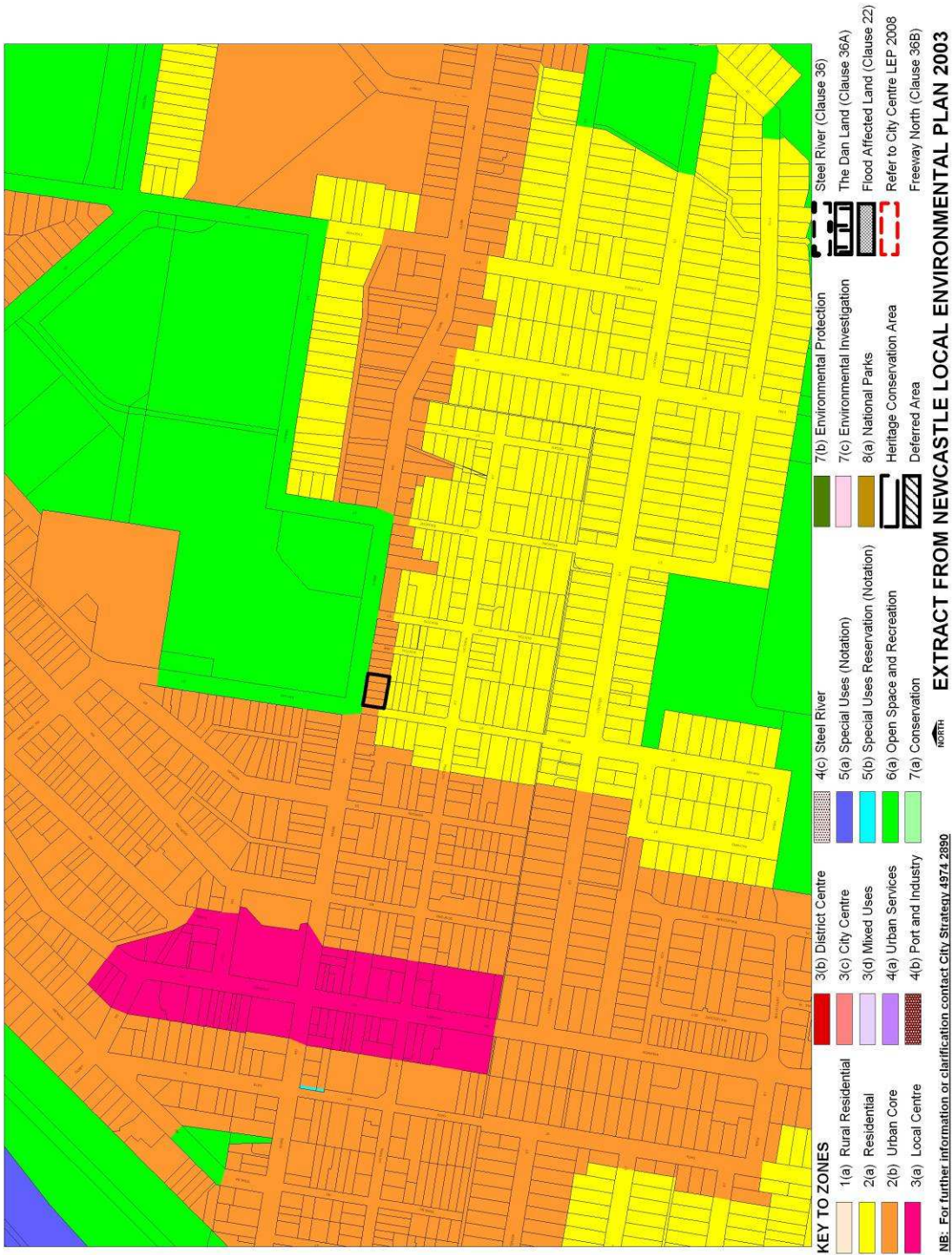
Subject Site



SCALE:- 1:2000 LOCALITY ADAMSTOWN

PARISH OF NEWCASTLE
COUNTY OF NORTHUMBERLAND

Appendix 5: Current zoning of the subject land



Appendix 6: Location view of the subject land

