

Rezone land from industrial to business at 57 Thomas Street, Edgeworth

Proposal Title : **Rezone land from industrial to business at 57 Thomas Street, Edgeworth**

Proposal Summary : **The Planning Proposal (PP) would rezone lot 10 DP 791439 being 57 Thomas St, Edgeworth, from 4(2) Industrial (General) to 3(1) Urban Centre (Core) in the Lake Macquarie LEP 2004.**

If the PP is finalised after the draft comprehensive LEP is finalised, the site would be rezoned from IN1 General Industrial to B1 Neighbourhood Centre.

PP Number : **PP_2013_LAKEM_005_00**

Dop File No : **13/09244**

Proposal Details

Date Planning : **22-May-2013**

LGA covered : **Lake Macquarie**

Proposal Received :

Region : **Hunter**

RPA : **Lake Macquarie City Council**

State Electorate : **CESSNOCK**

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

LEP Type : **Spot Rezoning**

Location Details

Street : **57 Thomas Street**

Suburb : **Edgeworth**

City :

Postcode : **2285**

Land Parcel : **Lot 10 DP 791439**

DoP Planning Officer Contact Details

Contact Name : **Ben Holmes**

Contact Number : **0249042709**

Contact Email : **ben.holmes@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Karen Partington**

Contact Number : **0249210371**

Contact Email : **kpartington@lakemac.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub
Regional Strategy : **Lower Hunter Regional
Strategy**

Consistent with Strategy : **Yes**

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MDP Number :	Date of Release :	
Area of Release (Ha)	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots : 0	No. of Dwellings (where relevant) :	0
Gross Floor Area : 5,830.00	No of Jobs Created :	30

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? : No

If Yes, comment :

Supporting notes

Internal Supporting Notes : SITE DESCRIPTION

The site forms part of the Edgeworth Renewal Corridor which is oriented around Main Road and is planned for urban renewal. Main Road/ George Booth Drive serves as the primary connector between the F3 and the northern suburbs of Lake Macquarie (eg Edgeworth, Glendale, Cardiff, Charlestown).

Council advises that the site is predominantly hard stand and consists of two parts - the northern part is used for a vehicle hire and the southern part is vacant. Three structures are on the site. The site adjoins light industrial (south), low density residential (east/ north) and commercial (west fronting Main Rd)/ light industrial (west).

NO. OF JOBS CREATED

Council states that up to 30 full-time jobs may be created by the rezoning. Council has not clarified whether this figure accounts for the potential loss of industrial jobs.

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The "Objectives or Intended Outcomes" is consistent with the Department's "A guide to preparing planning proposals".

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

Is an explanation of provisions provided? Yes

Comment : The "Explanation of Provisions" is generally consistent with the Department's "A guide to preparing planning proposals".

The PP would rezone the site to 3(1) Urban Centre (Core) in the Lake Macquarie LEP 2004. Rezoning the site to 3(1) would be a logical extension to the existing 3(1) zoned

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commercial strip which otherwise extends from Park Street (to the west) to Thomas Street. Should the PP amend the comprehensive LEP, the site would be rezoned B1 which is consistent with the zoning applying to that strip. Rezoning the site 3(1)/ B1 is supported.

Council has not discussed alternative zones for the site like the 3(2) Urban Centre (Support) zone. The 3(2) zone is Council's other commercial oriented zone, but it is more focused on mixed use and supporting 3(1) zoned areas. It applies to several lots on the corner of Park Street and Main Road. However, there is no strong argument for why 3(2) should be preferred ahead of Council's proposed 3(1) zoning. Further, the existing 3(2) zoned land at Edgeworth would be zoned B1 in the comprehensive LEP.

Should the PP amend the comprehensive LEP, then the development standards that would apply to the site would need to be amended also. This would require a change to the height (from 15 m to 10 m) and minimum lot size (from 1500 m2 to no standard applies). This is consistent with the standards applying to adjoining B1 land.

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

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.2 Mine Subsidence and Unstable Land

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

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 22—Shops and Commercial Premises

SEPP No 55—Remediation of Land

SEPP (Infrastructure) 2007

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

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Further discussion on inconsistencies is provided in the "Consistency with Strategic Framework" section of this report.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The maps provided are adequate for community consultation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council identifies the PP as a low impact proposal and intends to consult for 28 days. The Department's "A guide to preparing LEPs" suggests a 14 day consultation period for low impact proposals.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons :

PROJECT TIMELINE

Council's timeline nominates PP completion by the end of March 2014, approximately

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nine months after the Gateway Determination. A nine month completion timeframe is recommended.

DELEGATION AUTHORISATION

Council has accepted plan-making delegation for PPs generally. However, in this instance Council has not requested delegation. The reason for this is not discussed.

Planning Circular PS12-006 identifies that the Gateway has the option of delegating a PP to Council if the Gateway determines the matter to be of local significance. Delegation is recommended in this instance.

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2013**

Comments in relation to Principal LEP : **The draft comprehensive LEP has been submitted to the Department to be finalised.**

Assessment Criteria

Need for planning proposal : **The need for rezoning this land has originated at the request of the landowner who, Council advises, intends to develop the site for a major retail outlet. It does not result from a strategic study or report.**

The need for the PP is considered to be justified. It would be a logical extension of the existing Edgeworth commercial area and may facilitate the redevelopment of the site. Redevelopment may help renew the area and potentially increase employment - both desired outcomes for the Edgeworth corridor in the Department's Lower Hunter Regional Strategy and Newcastle-Lake Macquarie Planning Strategy.

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Consistency with strategic planning framework :

LOWER HUNTER REGIONAL STRATEGY (LHRS) & NEWCASTLE-LAKE MACQUARIE PLANNING STRATEGY (NLMPs)

The site is situated within the Edgeworth Renewal Corridor which is identified in the LHRS as a corridor that presents opportunities for economic and/ or housing renewal and intensification. Guidance provided in the NLMPs is also relevant. The NLMPs encourages planning controls in the corridor to be revised to facilitate redevelopment/ renewal and increased employment (and housing). As discussed above in the "Need for the planning proposal", the PP may help achieve these objectives. It is therefore considered consistent with the LHRS and NLMPs.

LOCAL STRATEGIES

Lifestyle 2030 Strategy - Council advises that the PP is consistent with the vision, core values and aims of this plan.

Draft Land Use Review for the Edgeworth Renewal Corridor - Council advises that the PP is not inconsistent with the options being considered in this draft study. (Note: this project received PRF 7 funding and is due for completion by December 2013.)

Lake Macquarie Employment Lands Study - Council notes that the study did not identify industrial land in the area as being of high importance. Further, while minimal demand for industrial land was forecast, some increase in retail/ commercial demand was identified. As a result, Council concludes that the loss of this site would have a negligible impact on industrial land supply in this part of the LGA.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

SEPP 55 Remediation of Land - Council intends to undertake a preliminary contamination assessment because development identified in Table 1 of the contaminated land planning guidelines has occurred on the site.

S117 DIRECTIONS

The PP is consistent with the relevant s117 directions except the following which require further discussion:

1.1 Business and Industrial Zones - inconsistent because the PP would not retain an existing industrial area (cl. 4(b)). However, this inconsistency is minor because a) the land would still be retained for an employment purpose (business) and b) Council advises that this loss of industrial land would have a negligible impact when considered in the context of industrial land supply in that part of the LGA. The DG should therefore agree that the PP's inconsistency with this direction is of minor significance.

1.3 Mining, Petroleum Production and Extractive Industry - in rezoning the site from industrial to commercial, certain activities permitted by the Mining SEPP would be prohibited. As a result this direction applies. Consultation with DPI (Minerals) should occur in order to satisfy the direction. Currently the PP does not refer to this direction.

4.2 Mine Subsidence and Unstable Land - consistency is unknown at this stage. Council intends to consult with the MSB as required by the direction. Consistency with this direction can then be determined.

Environmental social economic impacts :

ENVIRONMENTAL

Council intends to undertake traffic, contamination, noise (due to increased traffic) and visual assessments should the Gateway support the PP. It is unclear how much value would be added by undertaking noise and visual assessments at this stage, particularly given the site already permits industrial and these studies would occur as part of a future DA. It is recommended that the Gateway letter suggest that Council consider whether these studies are necessary at this stage or could be adequately addressed at the DA stage.

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Council proposes to consult with the RMS, MSB, DPI (Minerals) and Transport NSW. This will inform Council's consideration of impacts on Main Road, traffic, resources and mine subsidence issues.

ECONOMIC & SOCIAL

Economic and social impacts would be positive. The PP may facilitate the redevelopment of the site for commercial purposes. This may increase employment and assist in renewing the corridor.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
Timeframe to make LEP :	12 Month	Delegation :	RPA
Public Authority Consultation - s56(2)(d) :	NSW Department of Primary Industries - Minerals and Petroleum Mine Subsidence Board Transport for NSW Transport for NSW - Roads and Maritime Services		

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. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council_Letter.pdf	Proposal Covering Letter	Yes
Council_Report.pdf	Proposal Covering Letter	Yes
Council_Resolution.pdf	Proposal Covering Letter	Yes
Planning_Proposal.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
3.4 Integrating Land Use and Transport

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4.1 Acid Sulfate Soils
4.2 Mine Subsidence and Unstable Land
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Additional Information :

The following conditions are recommended:

- undertake a preliminary contamination assessment per SEPP 55;
- consult with DPI (Minerals) and update s117 direction consistency consideration for direction 1.3 Mining, Petroleum Production and Extractive Industry;
- consult with MSB and update s117 direction consistency with direction 4.2 Mine Subsidence and Unstable Land;
- in addition to the agencies identified above, also consult with the RMS and Transport for NSW;
- 9 month completion timeframe;
- 14 day community consultation; and
- no public hearing is required.

It is recommended that the Gateway delegate plan-making functions to Council for this PP because the matter is of local significance.

It is recommended that the DG's delegate agree that the PP's inconsistency with s117 directions 1.1 Business and Industrial Zones is of minor significance.

Supporting Reasons :

The Gateway letter could suggest that Council consider whether the noise and visual assessment studies are necessary at this stage or could be adequately addressed at the DA stage.

Signature:



Printed Name:

KO'FLAHERTY

Date:

31-5-2013