



**Newcastle LEP 2012 – Minimum lot sizes (MLS) for certain split zones and community title schemes**

Proposal Title : **Newcastle LEP 2012 – Minimum lot sizes (MLS) for certain split zones and community title schemes**

Proposal Summary : **The planning proposal seeks to insert a clause into LEP 2012 to manage MLS for certain split-zoned land and to insert E2 Environmental Conservation and E3 Environmental Management zones into the community title scheme clause to restrict fragmentation of those zones.**

PP Number : **PP\_2014\_NEWCA\_008\_00**      Dop File No : **14/13467**

**Proposal Details**

Date Planning Proposal Received : **08-Aug-2014**      LGA covered : **Newcastle**

Region : **Hunter**      RPA : **Newcastle City Council**

State Electorate : **NEWCASTLE**      Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

**Location Details**

Street : **N/A**

Suburb : **N/A**      City : **N/A**      Postcode :

Land Parcel : **N/A**

**DoP Planning Officer Contact Details**

Contact Name : **Paul Maher**

Contact Number : **0249042719**

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**RPA Contact Details**

Contact Name : **Steve Masia**

Contact Number : **0249742817**

Contact Email : **smasia@ncc.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) :	<b>0.00</b>	Type of Release (eg Residential / Employment land) :	<b>N/A</b>
No. of Lots :	<b>0</b>	No. of Dwellings (where relevant) :	<b>0</b>
Gross Floor Area :	<b>0</b>	No of Jobs Created :	<b>0</b>

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

If No, comment :

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

If Yes, comment :

**Supporting notes**

Internal Supporting Notes :

External Supporting Notes : **The Gateway for the Planning Proposal has been delayed by a couple of weeks as Council submitted two Planning Planning proposals around the same time, this one was slightly later than the first. Council also submitted at the same time other Planning Proposals to be made which took priority over this Planning Proposal.**

**Adequacy Assessment**

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

Is a statement of the objectives provided? **Yes**

Comment : **Firstly the objective is to enable subdivision of lots that are within more than one zone and secondly to apply clause 4.1AA for community title subdivision to all zones that require resultant lots to comply with the MLS.**

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

Is an explanation of provisions provided? **Yes**

Comment : **Explanation of provisions**

**The explanation of provisions is adequate as it provides the parameters to amend Newcastle LEP 2012. The provisions are;**

- **To insert 4.1b minimum subdivision lot sizes for certain split zones; and**
- **To amend existing clause 4.1aa minimum subdivision lot size for community title schemes**

**Justification - s55 (2)(c)**

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **1.1 Business and Industrial Zones  
2.1 Environment Protection Zones  
2.2 Coastal Protection**

\* May need the Director General's agreement

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- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 5.1 Implementation of Regional Strategies

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

**SEPP No 14—Coastal Wetlands**  
**SEPP No 71—Coastal Protection**

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 :

**Mapping Provided - s55(2)(d)**

Is mapping provided? **No**

Comment : **There are no maps required for the planning proposal as it amends the instrument only.**

**Community consultation - s55(2)(e)**

Has community consultation been proposed? **Yes**

Comment : **Council has proposed a 14 day consultation period. This is considered appropriate as the planning proposal is of a minor nature.**

**Additional Director General's requirements**

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

If Yes, reasons :

**PROJECT TIMELINE**

**Council's timeline nominates the Planning Proposal's completion within eight (9) months after the Gateway Determination. It is considered that a nine (9) month completion timeframe is appropriate which requires the Planning Proposal to be completed by May 2015.**

**DELEGATION AUTHORISATION**

**Council has accepted plan-making delegation for PPs generally. However Council does not seek to exercise delegations for this PP in this circumstance because of the added impost on Council resources without any additional influence in the outcome. Therefore, It is recommended that authority to exercise delegations in this instance not be granted.**

**It is recommended that the General Manager of the Hunter & Central Coast Region exercise his delegations in this matter.**

**Overall adequacy of the proposal**

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

If No, comment :

## Newcastle LEP 2012 – Minimum lot sizes (MLS) for certain split zones and community title schemes

### Proposal Assessment

#### Principal LEP:

Due Date :

Comments in  
relation to Principal  
LEP :

Newcastle Standard Instrument was published 15 June 2012.

### Assessment Criteria

Need for planning  
proposal :

Council has received a number of inquiries from owners of split-zoned land who are prevented from subdividing their land under clause 4.1. The inclusion of a split-zone clause improves the function of LEP 2012 as it facilitates development of land at the development-conservation interface. The inclusion of clause 4.1B allows a residual environmental parcel to be excised from a development portion regardless of compliance with the MLS where strategic analysis has already determined the development portion is suitable to be subdivided.

The amendment to clause 4.1AA Community Title Schemes will insert relevant environmental zones. The change to clause 4.1AA will align Torrens Title subdivision controls with Community Title subdivision.

A planning proposal is considered the most effective and timely method available to achieve the objectives of the proposal.

Consistency with  
strategic planning  
framework :

#### LOWER HUNTER REGIONAL STRATEGY 2006 (LHRS)

The PP is consistent with the Regional Strategy as enables land zoned for urban purposes to contribute to the LHRS target of 20,500 dwellings for Newcastle. The planning proposal seeks to facilitate the development of land already identified for urban settlement.

#### STATE POLICIES

SEPP 14 Much of the split zoned land is in Hexham Wetlands. It is intended that the amendment will provide better protection of these lands.

SEPP 71 Much of the split zoned land is in Hexham Wetlands. It is intended that the amendment will provide better protection of these lands.

#### S117 DIRECTIONS

2.1 Environmental Protection Zones – the planning proposal is consistent with Direction 2.1 as it does not reduce the environmental protection of land in environmental zones. The planning proposal modifies the development standards in the zone but does so in order to ensure the ongoing protection of the land.

3.1 Residential Zones – the planning proposal is consistent with Direction 3.1 as it encourages the provision of housing on land already zoned for residential purposes

#### NEWCASTLE URBAN STRATEGY (NUS)

The planning proposal is consistent with the aims of the NUS as it seeks to provide greater housing choice while establishing a framework to guide its ecological conservation.

#### NEWCASTLE LEP 2012

The planning proposal seeks to amend LEP 2012 in order to align with a number of other standard instruments in NSW already containing this clause.

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Environmental social economic impacts :

**ENVIRONMENTAL**

The planning proposal seeks to include E2 and E3 zones consistently in two subdivision clauses under Part 4 of the LEP. The community title clause will provide additional protection for environmentally zoned land by restricting subdivision of the E2 and E3 zones. The split-zone clause will allow excision of environmental land from development land with any residual environmental parcel to be attached to one of the development lots. Therefore ongoing management of the environmental land will be attributed to a development parcel.

**ECONOMIC AND SOCIAL**

The planning proposal will facilitate development of urban land already passed through the LEP amendment process which takes into consideration social impacts on future urban settlement. There will be benefits to the local economy through developing the urban land during the construction and settlement phases.

**Assessment Process**

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 months** Delegation : **Nil**

Public Authority Consultation - 56(2) (d) :

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
Newcastle City Council_08-08-2014_Gateway Determination Split zones_.pdf	Proposal Covering Letter	Yes
Planning Proposal - Minimum subdivision lot sizes for split zones and community title schemes.pdf	Proposal	Yes

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Council report and resolution - subdivision of split zone.pdf	Proposal	Yes
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**Planning Team Recommendation**

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

- S.117 directions:
- 1.1 Business and Industrial Zones
  - 2.1 Environment Protection Zones
  - 2.2 Coastal Protection
  - 3.1 Residential Zones
  - 3.4 Integrating Land Use and Transport
  - 5.1 Implementation of Regional Strategies

Additional Information : **Conditions**

1. 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).
2. No consultation is required with the following public authorities under section 56(2) (d) of the EP&A Act.
3. 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).
4. The timeframe for completing the LEP is to be 9 months.

Supporting Reasons : 1. The PP will permit the orderly development of land identified for urban development and will strengthen protection of environmental land.

Signature:



Printed Name:

KOFLARCZYK

Date:

29/8/2014