

Newcastle LEP 2012 – 400 Glebe Road Hamilton South

Proposal Title : **Newcastle LEP 2012 – 400 Glebe Road Hamilton South**

Proposal Summary : **The planning proposal seeks to rezone a residential allotment adjoining an existing Neighbourhood Centre to permit a medical centre and pharmacy and to amend FSR, height and minimum lot size controls to complement the zone.**

PP Number : **PP_2014_NEWCA_002_00**

Dop File No : **14/05364**

Proposal Details

Date Planning Proposal Received : **19-Mar-2014**

LGA covered : **Newcastle**

Region : **Hunter**

RPA : **Newcastle City Council**

State Electorate : **NEWCASTLE**

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

LEP Type : **Spot Rezoning**

Location Details

Street : **400 Glebe Road**

Suburb : **Hamilton South**

City : **Newcastle**

Postcode :

Land Parcel : **Lot 8 DP 236395**

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) :	0.00	Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	3

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 :

Adequacy Assessment

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

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

Comment : **The intention is to amend the LEP to zone the land to a business zone and permit a future medical centre and pharmacy.**

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

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

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

NEWCASTLE LEP 2012

The PP will amend the following maps in relation to the specific site;

- **LZN map from R2 Low Density Residential to B1 Neighbourhood Centre**
- **HOB map from 8.5m to 11m**
- **FSR map from 0.75:1 to 1.5:1**
- **LSZ map to remove the MLS control.**

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

* May need the Director General's agreement

3.1 Residential Zones

3.3 Home Occupations

- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land
- 5.1 Implementation of Regional Strategies

Is the Director General's agreement required?

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

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land
SEPP No 64—Advertising and Signage
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 :

S117 DIRECTIONS

Direction 3.1 Residential Zones

The PP is inconsistent with Direction 3.1 as it does not broaden housing choice but rather narrows permissible housing types. The inconsistency is of minor significance as the PP seeks to rezone one residential lot adjoining an existing neighbourhood centre to make a medical centre and pharmacy permissible.

Furthermore the PP is consistent with the Direction's objective requiring development to use infrastructure and services efficiently. The PP will increase the height and FSR allowing shop top housing above the proposed medical centre if required. The PP does not propose a 3 storey development but this housing type will be permissible in the proposed zone. Shop top housing could also be provided if required by a two storey structure as well.

The inconsistency is considered of minor significance, due to the size of the parcel and permissibility of shop top housing, and the agreement of the Director General's delegate is required.

Direction 4.1 Acid Sulfate Soils – the PP is inconsistent with Direction 4.1 as it proposes intensification of land use. The site is identified as a Class 4 ASS which relates to works 2m below ground level. It is considered that the inconsistency is of minor significance as any future development requiring excavation will be managed in accordance with Acid Sulfate Soils Planning Guidelines and the standard provisions within the LEP. The inconsistency is considered of minor significance and the agreement of the Director General's delegate is required.

4.2 Mine Subsidence and Unstable Land – the site is affected by mine subsidence and therefore Council is required to consult with the Mine Subsidence Board. This advice is to be sought prior to exhibition and is to form part of the community consultation. The Director General's delegate cannot form a view as to a potential inconsistency until this advice is received.

4.3 Flood Prone Land – although council advises that the site is flood affected the PP is consistent with Direction 4.3 as it will not permit a significant increase in development of that land. Any future development proposal would be subject to further assessment in relation to flooding impacts at the development application stage. The land is not significantly affected by flood as it is a fringe area and is not affected by the 1 in 100 year flood. The inconsistency is considered of minor significance and the agreement of the Director General's delegate is required.

The PP is consistent with all State policies.

Comment: SEPP 55 Remediation of Land was identified in the PP in accordance with clause 6 which requires consideration of potential contamination on land in preparing a rezoning. However Council has assessed that due to the former residential uses the site is unlikely to contain risks of contamination.

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 has proposed a 14 day consultation period - this is considered appropriate as the proposal is of a minor nature.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons : **PROJECT TIMELINE**

Council's timeline nominates the Planning Proposal's completion by the end of September 2014, approximately seven (7) months after the Gateway Determination. However this required a Gateway Determination to be issued in March and is ambitious. A nine (9) month completion timeframe is recommended.

DELEGATION AUTHORISATION

Council has accepted plan-making delegation for PPs generally. However Council has requested not to receive delegations for this PP. Council states that it has made this decision given the added impost on Council resources without any additional influence on the outcomes.

The purpose of giving Council's delegations for completing Planning Proposal is to provide them with the greatest level of influence on the final LEP amendment, consistent with the Gateway determination and relevant mapping and legal requirements. Experience with the delegated process within the region, where all but one other Council is using their delegations, has highlighted that it can result in faster LEP amendments and a streamlined process. Finally there are resource savings within council by directly communicating with PC under delegation.

Due to the very minor nature of the Planning Proposal and despite Council's resolution, it is recommended that plan-making delegations be given to Council in this instance. The Regional office will meet with Council to discuss these concerns and assist them in using their delegations.

Overall adequacy of the proposal

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

If No, comment : **Yes. The preparation of a Planning Proposal is the most appropriate mechanism to investigate whether the amendment should occur.**

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 :

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

Consistency with strategic planning framework :

LOWER HUNTER REGIONAL STRATEGY 2006 (LHRS)

The PP is consistent with the Regional Strategy as it will contribute to much needed health services in a Region identified as having a higher proportion of people over 65 years. The PP will also provide jobs in the tertiary sector specifically health which is identified as showing strong jobs growth in the Region. The PP will also improve access to health services in the locality in an area of medium residential density.

NEWCASTLE URBAN STRATEGY (NUS)

The PP is consistent with NUS as it will strengthen an existing neighbourhood centre.

Environmental social economic impacts :

ENVIRONMENTAL

There are no ecological values attributed to the site as it is within an urban context.

SOCIAL IMPACTS:

Traffic

Glebe Road is a classified road and has high volumes of traffic. It is likely that vehicular access would be provided on Hassall Street, the secondary road of the corner lot. It is recommended that the matter be referred to RMS for comment as egress will be less than 30m from the corner of Glebe Road.

Amenity impacts

The increase in development potential may introduce overshadowing and privacy impacts on the adjoining residential dwelling. While it is recognised that Council DCP will manage any adverse impacts it is recommended that the individual land owner be consulted directly on this matter. The site's north-south orientation will provide advantages in minimising solar access impacts. Traffic impacts on the adjoining dwelling can be reduced by situating access on the secondary road.

Heritage

The land does not contain any other known items of European or Aboriginal cultural Heritage.

Contamination

There is no known contamination on the site from former land uses.

ECONOMIC

Demand for commercial floor space in the area is evidenced by neighbourhood shops complex operating at full capacity.

Assessment Process

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

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

Public Authority Consultation - 56(2)(d) : **Mine Subsidence Board**
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
Planning Proposal_400 Glebe Road Hamilton South.pdf	Proposal	Yes
Council report and resolution of 25 February 2014.pdf	Determination Document	Yes
Newcastle City Council_17-03-2014_Gateway Request, 15 Tinonee Road, 400 Glebe Road, 11-19 Minmi Road_.pdf	Proposal Covering Letter	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**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.2 Mine Subsidence and Unstable Land**
- 4.3 Flood Prone Land**
- 5.1 Implementation of Regional Strategies**

Additional Information : **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 must be made publicly available for 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- ☐ Mine Subsidence Board
- ☐ Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

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 from the week following the date of the Gateway determination.

Supporting Reasons :

1. The PP fulfils the intent of the Regional Strategy as it provides better access to and new jobs in a growing and health sector.

Signature:



Printed Name:

KOFLAMER

Date:

10/4/14