# **Planning Proposal**



400 Glebe Road, Hamilton South

## **CONTENTS**

Summary of Proposal	i
Background	i
Site	i
Part 1 - Objectives or Intended Outcomes	1
Part 2 - Explanation of Provisions	1
Part 3 – Justification	2
Section A - Need for the planning proposal	2
Section B - Relationship to strategic planning framework	3
Section C - Environmental, social, and economic impact	10
Section D - State and Commonwealth interests	12
Part 4 – Mapping	13
Part 5 – Community Consultation	23
Part 6 – Project Timeline	24

## 400 Glebe Road, Hamilton South

## **Summary of Proposal**

Proposal	400 Glebe Road, Hamilton South			
Property Details	400 Glebe Road, Hamilton South			
Applicant Details	AcroPlan Pty Ltd			

## **Background**

Council has received a request to amend Newcastle LEP 2012 in order to enable the land to be developed from its current use as residential to a medical centre and pharmacy.

### Site

The proposal consists of land at 400 Glebe Road, Hamilton South, described as Lot 8 DP 236395.

The site is adjoined to the west by a single-storey timber clad and metal roof dwelling, whereas land to the east (across Hassall Street) comprises a public housing complex of three-storey brick and tile roof residential flat buildings. Land to the North of the site (across a vehicle access lane) consists of a number of single storey retail and commercial uses (see **Figure 1:** Local Context of Site).

The site is currently zoned R2 Low Density Residential and is occupied by a single-storey timber clad and metal roof dwelling and detached garage. The site is relatively flat and is devoid of any significant vegetation. (see **Figure 2**: Air Photo of Site).



## Newcastle Local Environmental Plan 2012

## Local Area Context Map

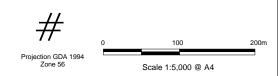
#### Cadastre

Cadastre base data 01/08/2007 © LPMA Addendum data 15/01/2014 © Newcastle City Council

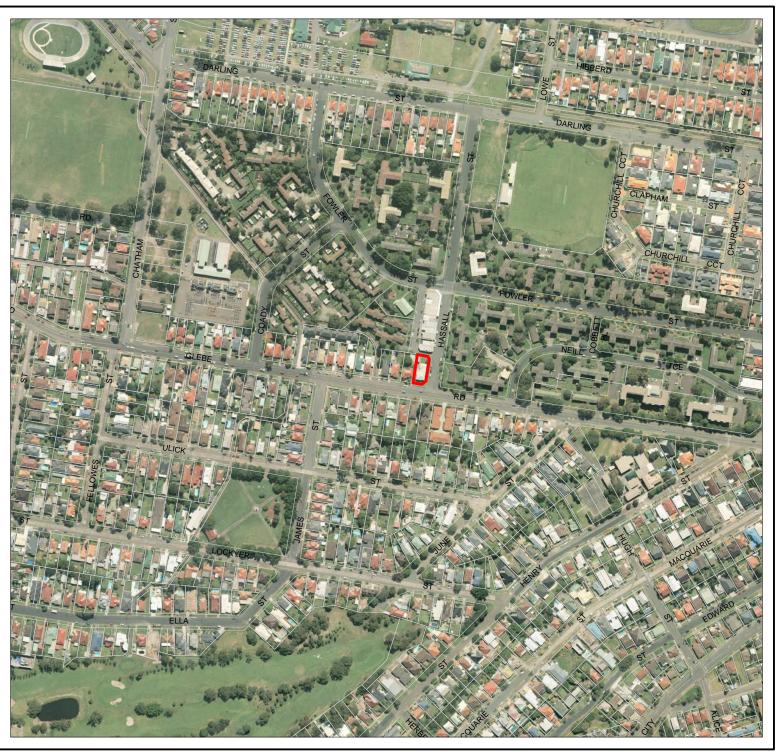
Subject Site

Suburb boundary

LGA boundary



Planning Proposal - 400 Glebe Road Hamilton South - Local Area Context Map





## Newcastle Local Environmental Plan 2012

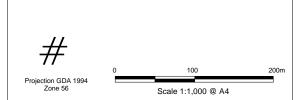
## Site Air Photo Map

#### Cadastre

Cadastre base data 01/08/2007 © LPMA Addendum data 15/01/2014 © Newcastle City Council

Subject Site

Suburb boundary



Planning Proposal - 400 Glebe Road Hamilton South - Site Air Photo Map



## Part 1 - Objectives or Intended Outcomes

To enable the land to be redeveloped for a medical centre and pharmacy.

## **Part 2 - Explanation of Provisions**

The objective of this planning proposal will be achieved by amending Newcastle LEP 2012 as follows:

- 1. Land zoning map to reflect a change of zone from R2 Low Density Residential zone to B1 Neighbourhood Centre zone.
- 2. Height of building map to reflect a change of maximum building height from 8.5m to 11m, consistent with the existing adjoining B1 Neighbourhood Centre zone.
- 3. Floor space ratio map to reflect a change from a maximum floor space ratio of 0.75:1 to 1.5:1, consistent with the adjoining B1 Neighbourhood Centre zone.
- 4. Minimum lot size map to remove the minimum lot size. The Newcastle LEP 2012 does not apply minimum lot sizes to commercial zoned land.

#### Part 3 – Justification

#### **Section A - Need for the planning proposal**

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

No, however the planning proposal is consistent with Council's Newcastle Urban Strategy that supports the viability of neighbourhood commercial centres.

Glebe Road carries a high level of local traffic and by extending the commercial centre to front Glebe Road would increase exposure of the centre. This should facilitate the capture of passing trade to support the neighbourhood centre.

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

Yes, a change of zoning is considered the most appropriate means of enabling the site to be used for a medical centre and pharmacy.

The option of nominating additional permitted uses under Schedule 1 could also achieve this intended outcome. However, it is considered that other uses permitted within the B1 Neighbourhood Centre zone may well be suitable for the site in the longer term. Therefore, it is considered more desirable to rezone the site to B1 Neighbourhood Centre, consistent with the existing commercial centre adjoining to the north, to enable more flexible land use over time.

#### 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 this project is small in scale it will contribute to generating employment opportunities and is therefore considered consistent with this aim.

Furthermore, the proposed B1 Neighbourhood Centre zone permits shop top housing as a permissible use with consent and therefore can maintain a housing supply consistent with this aims of the 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".

#### **Newcastle Urban Strategy (NUS)**

Strengthening the neighbourhood centre supports one of the core principles of the NUS to establish vibrant urban villages with services within easy walk of residents.

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 4—Development Without Consent and Miscellaneous Exempt and Complying Development	No	

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 6—Number of Storeys in a Building	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	No	
State Environmental Planning Policy No 22—Shops and Commercial Premises	No	
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 (Redevelopment of Urban Land)	No	
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 41—Casino Entertainment Complex	No	
State Environmental Planning Policy No 44—Koala Habitat Protection	Yes	The site does not contain any 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 53—Metropolitan Residential Development	No	
State Environmental Planning Policy No 55—Remediation of Land	No	There is no known contamination of the land and the current and former uses of the land are unlikely to have caused risk of contamination.

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area	No	
State Environmental Planning Policy No 60—Exempt and Complying Development	No	
State Environmental Planning Policy No 62—Sustainable Aquaculture	No	
State Environmental Planning Policy No 64—Advertising and Signage	Yes	The planning proposal does not contain any proposals for advertising or signage
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	
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	No	
State Environmental Planning Policy (Infrastructure) 2007	No	Note: Health services facilities (which includes medical centre) are not permissible within the existing R2 Low Density Residential zone under the SEPP.
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	

Name of SEPP	Applicable	Consistency
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	Yes	The proposal increases the size of the existing neighbourhood centre zone and therefore applies. The proposal is consistent with the requirements of the direction, including:
		<ul> <li>It is consistent with the objectives of the direction in that it protects and encourages growth of the existing centre. The proposal extends the neighbourhood centre to a busy local road thereby increasing exposure to passing trade that would help to support the centres ongoing viability.</li> <li>The proposal retains and enhances the</li> </ul>
		existing centre.
		The proposal does not reduce the potential floor space.
		As outlined previously under Part 3, Section B of this report the proposal is consistent with the Lower Hunter Regional Strategy.
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 De	velopment	

S117 Direction	Applicable	Consistent
3.1 Residential Zones	Yes	The proposal alters an existing residential zone boundary and therefore applies. The proposal achieves the requirements of the direction, including:
		<ul> <li>The proposed neighbourhood centre zone still permits residential development in the form of shop top housing thereby enabling diversity of housing type for the area. Furthermore, the proposed increase in building height and floor space ratio (ie. additional storey) would enable residential development generally comparable to that achievable under the existing residential zone and development standards.</li> <li>Utilises existing infrastructure and services.</li> <li>Reducing consumption of land on the</li> </ul>
		urban fringe by maintaining ability to support residential landuse.
		<ul> <li>Would not compromise future design on the site.</li> </ul>
		The objectives of the direction are achieved and the proposal is considered to be consistent with the direction.
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	Yes	Yes. Home Occupation is exempt development under SEPP (Exempt and Complying Development Codes) 2008. Home businesses are also permissible under the B1 Neighbourhood Centre zone.

S117 Direction	Applicable	Consistent
3.4 Integrating Land Use and Transport	Yes	This proposal alters the boundary between residential and commercial land and therefore applies.  The proposal is consistent with the relevant
		principles of Improving Transport Choice – Guidelines for planning and development (DPI 2001) and The Right Place for Business and Services – Planning Policy (DPI 2001).
		In this regard the site is well located adjacent to Glebe Road, being a Classified Road. The proposal will link the existing neighbourhood centre with Glebe Road that has regular bus services thereby supporting public transport use. The proposed B1 Neighbourhood Centre zone enables mixed use development and is also located in close proximity to medium density residential development. The neighbourhood centre will therefore support reduced car dependence and facilitate provision of services within walking distance to residents.
		The proposal enables mixed use development as a minor expansion of an existing neighbourhood centre consistent with the guidelines.
		The proposal is consistent with the objectives of the direction as it:
		Improves access to services.
		Reduces travel demand by supporting the neighbourhood centre for local residents.
		Extends the neighbourhood centre to Glebe Road which has bus services thereby facilitating public transport use.
3.5 Development Near Licensed Aerodromes	No	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	The site is affected by Class 4 Acid Sulfate Soils (ASS) as per the Newcastle LEP 2012 ASS maps. While the proposal involves a potential intensification of use the Class 4 classification for ASS relates to works more than 2m below ground level. It is therefore considered unlikely that the proposal will increase the risk of exposing ASS.
4.2 Mine Subsidence and Unstable Land	Yes	The property is affected by mine subsidence. Council will consult with the Mine Subsidence Board prior to exhibition of this Planning Proposal.

S117 Direction	Applicable	Consistent
4.3 Flood Prone Land	Yes	The property is identified as flood prone land. However, the flooding is not significant that would preclude future development. In this regard the site is not flooded during a 1 in 100 year event (1% Annual Exceedance Probability (AEP)) and is in a flood fringe area for larger floods. Any future development proposal would be subject to further assessment in relation to flooding impacts at the development application stage.
4.4 Planning for Bushfire Protection	No	
5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	Yes, the Planning Proposal is consistent with the Lower Hunter Regional Strategy and does not undermine achievement of its vision, land use strategy, policies, outcomes, or actions.
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	
5.8 Second Sydney Airport: Badgerys Creek	No	
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	The planning proposal is consistent with direction 6.1
6.2 Reserving Land for Public Purposes	No	
6.3 Site Specific Provisions	No	

#### 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 site is currently developed for urban purposes and is devoid of any significant vegetation. The planning proposal has no potential for critical habitat or threatened species, populations or ecological communities, or their habitats, to be adversely affected.

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

Yes, as addressed in Section B above.

#### **Hydrology and Water Management**

The site is located within a flood prone area. As addressed in Section B above this would not preclude future development.

#### **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

There is no known contamination of the land and the current and former uses of the land are unlikely to have caused risk of contamination.

#### **Traffic Impacts and Vehicular and Pedestrian Access**

The proposal is likely to result in a slight increase in local traffic compared to the existing residential use, however, it is expected that the local traffic network could accommodate this. Direct vehicular access to Glebe Road would unlikely be supported due to its status as a classified road and relatively high traffic volumes. Adequate access would however be available off Hassall Street. Further assessment of traffic impacts, parking and vehicular access could be resolved at development application stage.

#### **Amenity Impacts**

The proposal includes increasing the maximum height limit from 8.5m to 11m and maximum FSR from 0.75:1 to 1.5:1. These development standards are consistent with the existing B1 Neighbourhood Centre adjoining to the north. This has the potential to increase building mass and associated amenity impacts such as overshadowing and scale on the adjoining residential area to the west.

It is envisaged that a building height one storey greater than that of the adjoining zone (ie. potential three-storey building adjoining two-storey buildings) is not an unreasonable transition of scale. Furthermore, the north/south allotment orientation should facilitate acceptable overshadowing impacts to the west. Further analysis of these issues would be undertaken at development application stage.

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

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

The land is adequately serviced by social infrastructure and services such as schools and hospitals. The intended use of the site for a medical centre and pharmacy would provide further services for the local community.

A review of the existing neighbourhood centre to the north of the site has identified close to full occupancy, demonstrating a strong demand for commercial floor space within the area. The proposal will extend the existing neighbourhood centre through to Glebe Road which should increase exposure to facilitate ongoing viability of the centre.

#### **Section D - State and Commonwealth interests**

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

Yes, the site is adequately serviced by public utilities.

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

No State or 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											
002F											
002G											
002H											
003											
004											
004A											
004B											
004C	X		X			X	X				
004D											
004E											
004F											
004FA											
004G											
004H											
0041											
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



## **Newcastle Local Environmental** Plan 2012

## **Existing Land Zoning Map**

Cadastre base data 01/08/2007 © LPMA Addendum data 15/01/2014 © Newcastle City Council

Subject Site

Zone

B1 Neighbourhood Centre

B2 Local Centre

B3 Commercial Core

B4 Mixed Use

B5 Business Development

National Parks and Nature Reserves

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

High Density Residential

Public Recreation

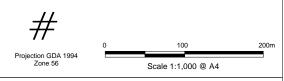
RE2 Private Recreation

SP1 Special Activities

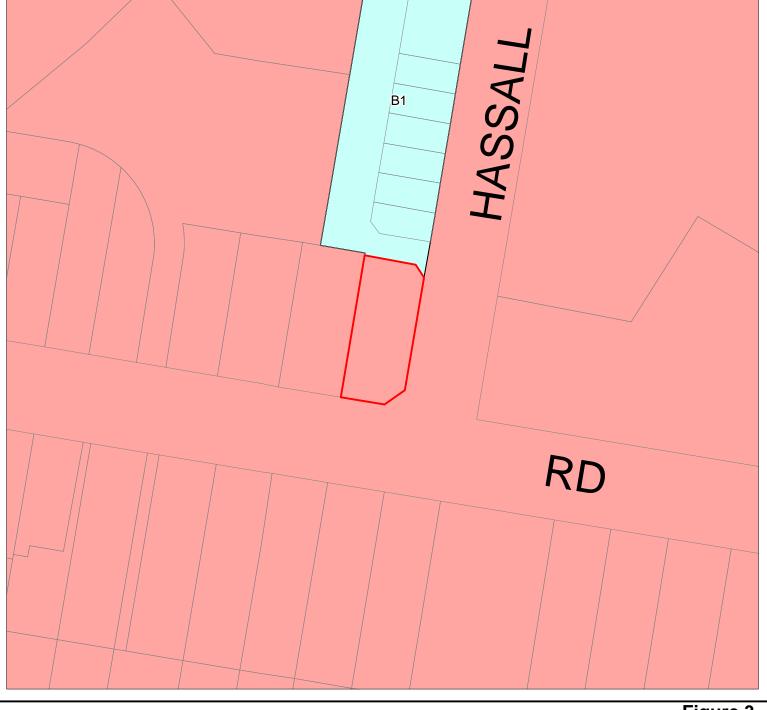
Infrastructure

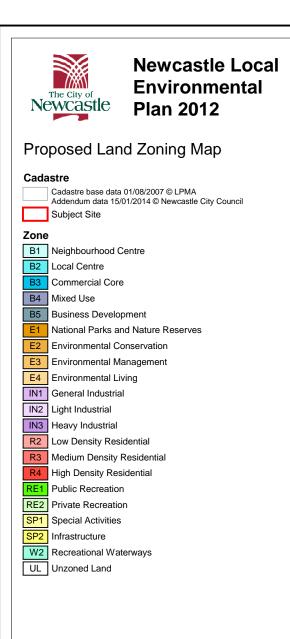
W2 Recreational Waterways

UL Unzoned Land



Planning Proposal - 400 Glebe Road Hamilton South -Existing Land Zoning Map





Scale 1:1,000 @ A4

Projection GDA 1994

Proposed Land Zoning Map

Planning Proposal - 400 Glebe Road Hamilton South -

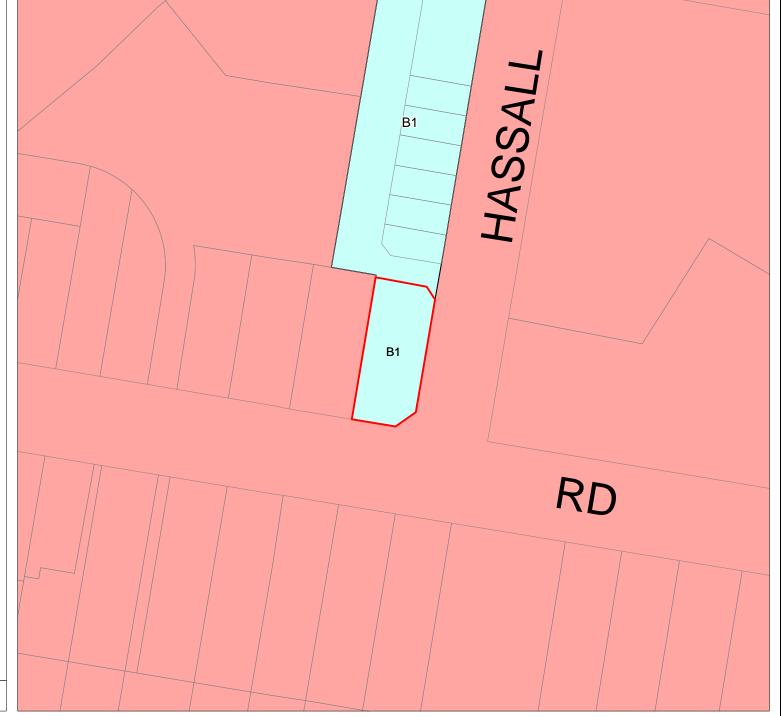
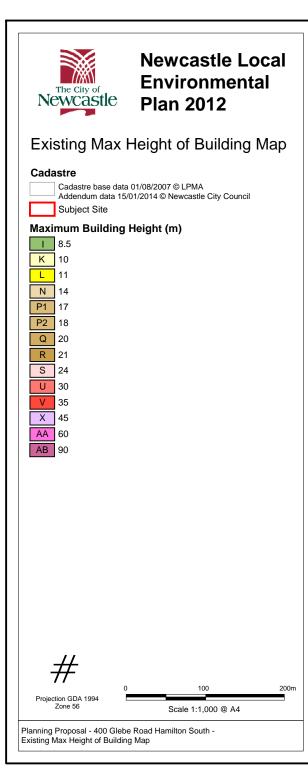


Figure 4



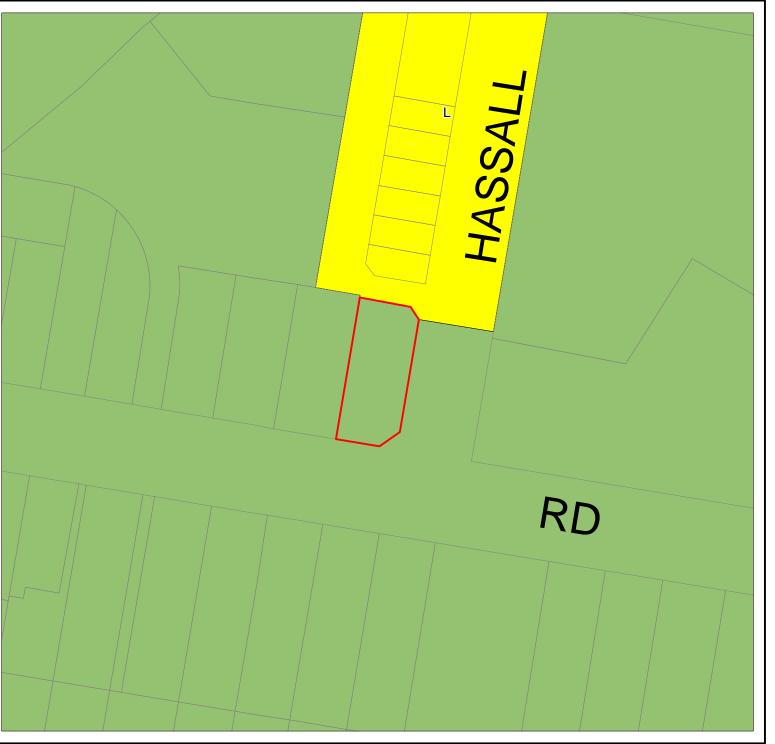


Figure 5

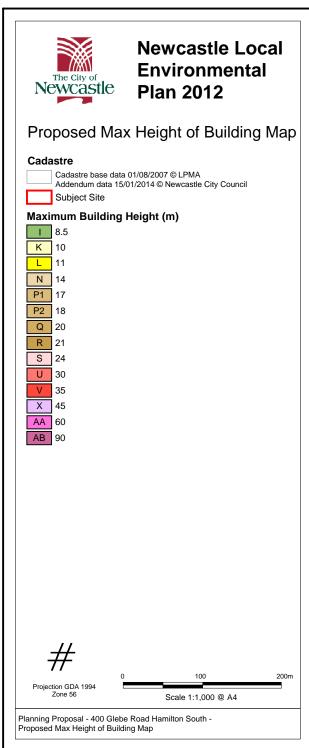
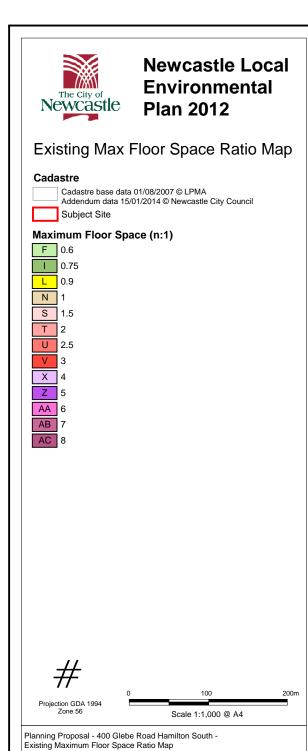




Figure 6



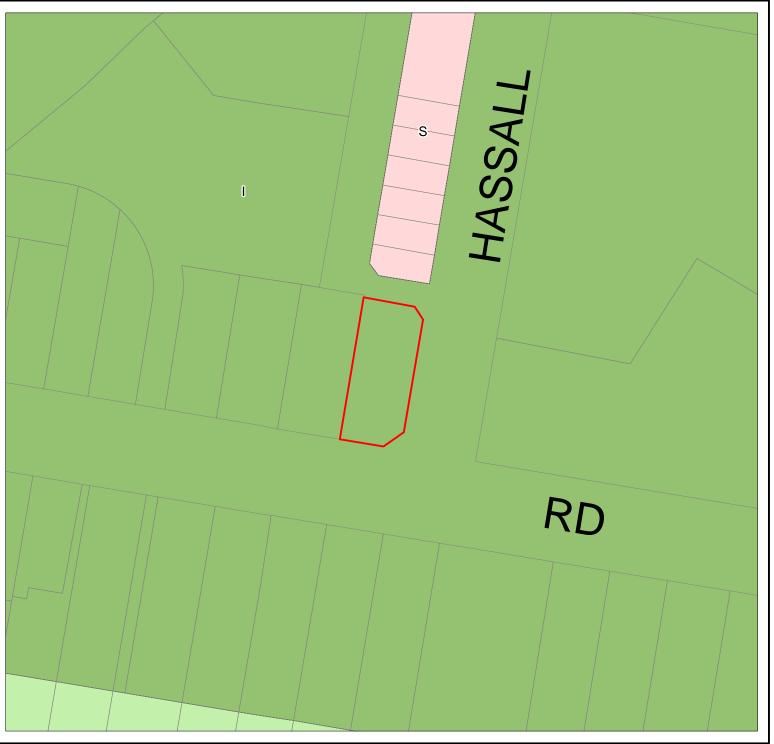


Figure 7

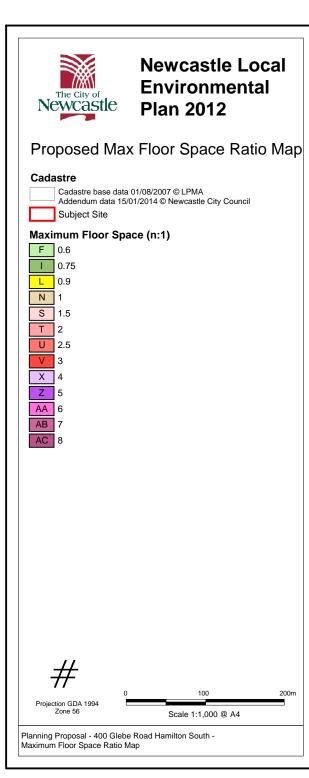




Figure 8

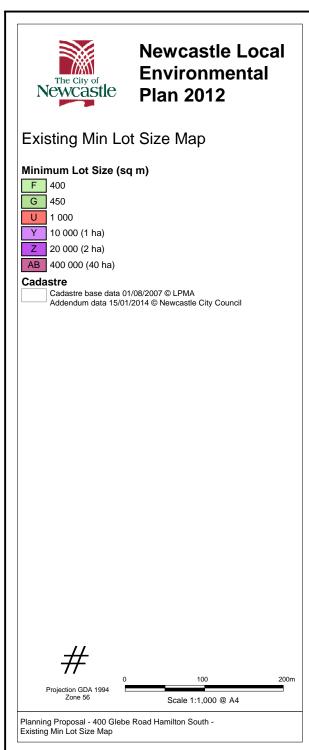




Figure 9

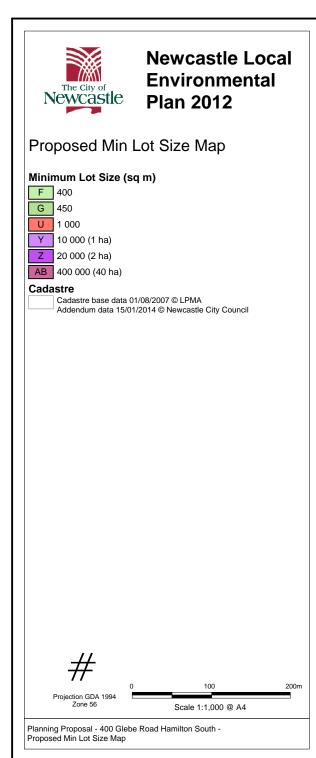




Figure 10

## **Part 5 – Community Consultation**

The planning proposal is considered as low impact in accordance with the Department of Planning and Infrastructure's guidelines, 'A guide to preparing local environmental plans'. Hence, it is proposed that the planning proposal will be publicly exhibited for a minimum 14 day period.

Council proposes to consult with the following agencies prior to public exhibition of the planning proposal:

• Mine Subsidence Board

Any other relevant agencies will be consulted in accordance with the requirements of the gateway determination.

## Part 6 - Project Timeline

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

Task	Planning Proposal Timeline											
	Jan 14	Feb 14	Mar 14	Apr 14	May 14	Jun 14	Jul 14	Aug 14	Sep 14	Oct 14	Nov 14	Dec 14
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												