

Newcastle LEP 2012 – 147A Newcastle Road Wallsend

Proposal Title : **Newcastle LEP 2012 – 147A Newcastle Road Wallsend**

Proposal Summary : **The planning proposal seeks to rezone land from IN2 Light Industrial to R3 Medium Density Zone and to amend FSR, height and minimum lot size controls to complement the zone.**

PP Number : **PP_2014_NEWCA_005_00** Dop File No : **14/07878**

Proposal Details

Date Planning Proposal Received : **09-May-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 : **147A Newcastle Road**

Suburb : **Wallsend** City : **Newcastle** Postcode :

Land Parcel : **Lot 21 DP 807401**

DoP Planning Officer Contact Details

Contact Name : **Paul Maher**

Contact Number : **0249042719**

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RPA Contact Details

Contact Name : **Johannes Honnef**

Contact Number : **0249742893**

Contact Email : **jhonnef@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) :	1.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	10
Gross Floor Area :	0	No of Jobs Created :	0
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 allow development of the site for medium density housing****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.**

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

- **LZN map from IN2 Light Industrial to R3 Medium Density Residential**
- **HOB map from nil controls to 10m**
- **FSR map from nil controls to 0.9:1**
- **LSZ map to reduce the MLS control from 1,000m2 to 450m2**

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
4.1 Acid Sulfate Soils
4.2 Mine Subsidence and Unstable Land
4.4 Planning for Bushfire Protection
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 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP No 55—Remediation of Land

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

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

S117 DIRECTIONS

1.1 Business and Industrial Zones – the PP is inconsistent with Direction 1.1 as it does not retain areas of existing industrial zones. The inconsistency is considered justified as it is a discrete site (1hectare) and isolated from key employment precincts. The inconsistency is considered of minor significance and the agreement of the Secretary's delegate is required.

3.4 - Integrating Land Use and Transport – the PP is consistent with Direction 3.4 as it will provide additional housing adjacent to a major arterial road and within walking distance to a district centre, Jesmond.

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 Class 5 ASS which relates to works within 500m of Classes 1-4 below 5m. It is considered that the inconsistency is of minor significance as it is unlikely that excavation of 5m would be required in developing this site. The inconsistency is considered of minor significance and the agreement of the Secretary's delegate is required.

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

4.3 Flood Prone Land – Council indicates that the PP is consistent with Direction 4.3 however later in its report indicates that the land adjoining is identified as flood prone land and that future residential development will necessitate design requirements to accommodate housing. Discussions with Council has clarified this matter and as a result it is considered that the PP is consistent with Direction 4.3 as it zones land from industrial land to residential which is consistent with subclause (5).

4.4 Planning for Bushfire Protection – the site is mapped as bushfire prone land and as such Council must consult with the Commissioner of the NSW RFS following receipt of a gateway determination and prior to undertaking community consultation and take into account any comments made. The Secretary's delegate cannot form a view as to a potential inconsistency until this advice is received.

5.1 Implementation of Regional Strategies – the PP is consistent with Direction 5.1 as it contributes towards the dwelling targets in the LHRS and reinforces Jesmond through providing additional population within walking distance to the town centre.

STATE POLICIES

SEPP 32 – Urban Consolidation – the PP is consistent with the SEPP as it consolidates under-utilised urban land for appropriate residential uses.

SEPP 55 – Remediation of Land – Council states that a report has been completed and contamination is identified on site. In accordance with the SEPP, Council undertakes

that the site can be remediated to satisfactorily accommodate residential development. However Council has requested further information on the remediation works to be provided to ensure it can meet its requirements under the SEPP. This additional information will be contained in the exhibition material.

Subject to SEPP 55 the PP is consistent with all State policies.

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? **Yes**

If Yes, reasons : **PROJECT TIMELINE**

Council's timeline nominates the Planning Proposal's completion by the end of December 2014, approximately nine (9) months after the Gateway Determination. It is considered that a nine (9) month completion timeframe is appropriate.

DELEGATION AUTHORISATION

Council has accepted plan-making delegation for PPs generally. However Council has requested not to receive delegations for this PP. The reason for this is because Council did not request delegations in general when given the opportunity.

However, due to the Government's intention to give planning powers back to local government, it is recommended that plan-making delegations be given to Council 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 :

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.

The case for the PP is contained within the Regional Strategy and Council local strategies below.

Consistency with strategic planning framework :

LOWER HUNTER REGIONAL STRATEGY 2006 (LHRS)

The PP is consistent with the Regional Strategy as it contributes towards its goal of achieving a better balance between infill and greenfield development. The Strategy also seeks to maximise redevelopment and infill opportunities for medium density housing within walking distance of centres. The PP contributes towards the Newcastle target of 14,700 infill dwelling capacity.

NEWCASTLE URBAN STRATEGY (NUS)

The site adjoins an identified growth precinct and will provide additional housing within a walkable distance of a town centre.

NEWCASTLE EMPLOYMENT LAND STRATEGY (NELS)

The NELS does not identify the site as significant in delivering the employment needs for Newcastle. The NELS identifies Beresfield and Hexham as the two key areas for employment and the site is outside these key precincts. The site, in its location, is not vital in delivering the employment land to the industrial sector.

The Strategy indicates that the trend is for larger business parks. The site is small (1 hectare) and isolated from larger employment areas and does not correspond with the business park typology.

Environmental social economic impacts :

ENVIRONMENTAL

The PP indicates the site has little ecological value attributed to the site as it is within an urban context however it identifies a first order watercourse on the western boundary.

It is recommended that the PP provide detail of buffers to the watercourse demonstrating that residential development can be accommodated on site. Council will be requested to update the PP with this information for exhibition.

Mine Subsidence

The site is within a Mine Subsidence area and consultation with MSB is required.

Hydrology and Water Management

Land adjoining the western boundary is flood prone land however Council indicates residential development can be addressed with design requirements. Council will be requested to provide detail of the known flood level demonstrating that residential development can be accommodated on-site as part of the PP.

Bushfire

The land is bushfire prone buffer area. Appropriate consultation and assessment is required as part of the s117 Direction.

Heritage

There are no known heritage items on site. The relevant LEP heritage clauses will protect any unforeseen heritage findings.

Contamination

Site contamination is identified due to historical uses and remediation is proposed to render the site suitable for residential development. Council has requested the necessary contamination report to fulfil its responsibility under SEPP 55.

Traffic

There is limited access to Newcastle Road however Council's traffic engineers' recommend access through the local street network via Victory Parade. Any traffic impact as a result of a development of this scale can be considered at the development application stage. As Newcastle Road is a classified road it is recommended that the PP be referred to RMS.

Electricity easement

The PP indicates that an electricity easement is located along the western boundary. Council will be requested to update the PP to include information of the required setback to the transmission lines to demonstrate that residential development can be accommodated on site.

Social

The proposed development will be compatible with the adjoining residential neighbourhood. Future residential neighbourhood will have satisfactory access to surrounding facilities and services.

Future development of the site as an industrial precinct will impact on adjoining land uses which includes an approved aged care facility to the south. There is insufficient land to buffer the residential uses from industrial development and therefore the rezoning provides a more compatible uses.

Economic

It is considered that the loss of employment land on the site will not adversely impact on the overall supply of local jobs as other more significant employment precincts exist nearby.

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
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
Other**

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 :

Contamination report

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
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Newcastle LEP 2012 – 147A Newcastle Road Wallsend

Newcastle City Council_09-05-2014_Planning Proposal 147A Newcastle Road Wallsend_.pdf	Proposal Covering Letter	Yes
2014-05-09 Planning Proposal - 147A Newcastle Road Wallsend.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**
 4.1 Acid Sulfate Soils
 4.2 Mine Subsidence and Unstable Land
 4.4 Planning for Bushfire Protection
 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 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. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, Council is to prepare a remediation plan to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- NSW Roads and Maritime Services
- Rural Fire Services
- Mine Subsidence Board

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. Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of S117 Directions.

4. 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).

5. The timeframe for completing the LEP is to be 9 months.

Supporting Reasons : **1. The PP proposes residential development which is compatible with surrounding uses.**

Signature:



Printed Name:

KOFACHERTY

Date:

26-5-2014