

ACTION ITEM

Ordinary Council
Tuesday, 22 July 2014

CCL 22/07/14 - 41 WALLARAH ROAD NEW LAMBTON - ENDORSEMENT OF PROPOSED AMENDMENT TO NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012

RESOLVED: (Councillor Luke/THE LORD MAYOR)

Council resolves to:

- a) Endorse the planning proposal, within **Attachment A** of this report, to amend Newcastle LEP 2012, pursuant to Section 55 of the *Environmental Planning and Assessment (EP&A) Act 1979*, in order to:
 - (i) Reclassify part of 41 Wallarah Road New Lambton, described as Part Lot 2 DP 219868 from community to operational; and
 - (ii) rezone the same land from RE1 Public Open Space to R2 Low Density Residential.
- b) Advise the Director-General of the Department of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 59(1) of the *EP&A Act 1979*.

**SUBJECT: CCL 22/07/14 - 41 WALLARAH ROAD NEW LAMBTON -
ENDORSEMENT OF PROPOSED AMENDMENT TO
NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012**

**REPORT BY: PLANNING AND REGULATORY
CONTACT: DIRECTOR PLANNING AND REGULATORY / MANAGER
STRATEGIC PLANNING SERVICES**

PURPOSE

This report seeks Council's endorsement of a planning proposal to commence the statutory process to prepare amendments to Newcastle Local Environmental Plan (LEP) 2012.

RECOMMENDATION

- 1 Council resolves to:
 - a) Endorse the planning proposal, within **Attachment A** of this report, to amend Newcastle LEP 2012, pursuant to Section 55 of the *Environmental Planning and Assessment (EP&A) Act 1979*, in order to:
 - (i) Reclassify part of 41 Wallarah Road New Lambton, described as Part Lot 2 DP 219868 from community to operational; and
 - (ii) rezone the same land from RE1 Public Open Space to R2 Low Density Residential.
 - b) Advise the Director-General of the Department of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 59(1) of the *EP&A Act 1979*.
 - c) Advise the Director-General of the Department of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 59(1) of the *EP&A Act 1979*.

KEY ISSUES

- 2 The planning proposal comprises land at 41 Wallarah Road New Lambton, described as Part of Lot 2 DP 219868, which is currently zoned RE1 Public Recreation and classified as community land. Allambie Court retirement centre adjoins the site to the west and fronts Hobart Road. This lot is zoned R2 Low Density Residential.
- 3 The lot that is the subject of this planning proposal (41 Wallarah Road) is divided into two areas. The western part is located within the fenced area of the Allambie Court retirement centre and consists of a grassed area, a large metal car port and an asphalt driveway. The eastern part is contiguous with New Lambton Park and is grassed but contains no embellishments.

- 4 The planning proposal aims to amend the Newcastle LEP 2012 by rezoning and reclassifying the part of the land that adjoins the Allambie Court retirement village development and a portion of undeveloped open space that is separated from New Lambton Park by a stormwater drainage culvert. This will enable the subject land (Part Lot 2 DP 219868) to be consolidated with the Allambie Court development (Lot 1 DP 219868 and Lot 1 DP 115047) so that the retirement village is on one title and is wholly classified as operational land. Please refer to the planning proposal at **Attachment A** for maps.
- 5 The planning proposal details the amendment recommended to Newcastle LEP 2012 in order to achieve the intended outcomes. Furthermore, the planning proposal documents the issues considered in assessing the appropriateness of the proposed amendment/s, and identify what further information may be required.
- 6 The planning proposal was prepared in accordance with the Department of Planning and Environment's guidelines and Council's Local Environmental Plan Request for Amendment policy.
- 7 If endorsed by Council, the planning proposal will be forwarded to the Minister of Planning and Environment for gateway determination. Gateway determination will confirm initial support for the draft planning proposal, and identify what further technical studies and community consultation are required prior to the proposed amendments being made.
- 8 Strategic Planning staff recommend that Council do not seek delegations under Section 59(1) of the *EP&A Act 1979* given the added impost on Council resources without any additional influence on the outcomes. These delegations obligate Council to prepare the final reporting, drafting and mapping in order for the Minister of Planning and Environment to 'make' the proposed amendments to Newcastle LEP 2012. Where Council does not exercise these delegations, the Department of Planning and Environment undertakes these requirements.

FINANCIAL IMPACT

- 9 Council is able to recoup costs associated with the preparation of a draft planning proposal, undertaking consultation, and preparation of technical studies, pursuant to Clause 11 of the *Environmental Planning and Assessment (EP&A) Regulation 2000*.
- 10 Fees (as outlined within Council's Fees and Charges Register) will be applied in accordance with Council's LEP Request for Amendment Policy (2012). That is, prescribed fees apply to all formal requests, except where required for the provision of public infrastructure or as a result of correcting a minor anomaly.
- 11 Where costs are unable to be recouped partly or in full, work will be undertaken by Council's Strategic Planning Services staff within their current allocated work program and budget.

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 12 The preparation and processing of the attached draft planning proposal aligns to the strategic direction '*Open and Collaborative Leadership*' identified within the Newcastle Community Strategic Plan 2030.
- 13 Compliance with the LEP amendment process, in particular section 57 of the *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*".

IMPLEMENTATION PLAN/IMPLICATIONS

- 14 The preparation of the attached planning proposal was undertaken in accordance with Council's Local Environmental Plan – Request for Amendment Policy (2012). This policy identifies Council's processes and responsibilities in applying the requirements of Part 3 of the *EP&A Act 1979* for amending an LEP.

RISK ASSESSMENT AND MITIGATION

- 15 The process of amending an LEP is prescribed by Part 3 of the *EP&A Act 1979*. Adherence to the legislative framework reduces the risk to both applicant and Council by ensuring that a planning proposal is considered with regard to relevant strategic planning documents and is determined in an appropriate timeframe.
- 16 Justification has been provided by the applicant for the formal LEP amendment request.
- 17 Further consultation with stakeholders (including the broader community) will occur in accordance with the Minister's requirements following gateway determination. This will ensure all relevant parties are able to consider and comment on the draft planning proposal prior to it being reported back to Council for final adoption of the proposed amendment.

RELATED PREVIOUS DECISIONS

- 18 Newcastle LEP 2012 was adopted by Council on 21 June 2011.
- 19 On 10 December 2013, Council resolved (amongst other matters):
 - "a) Council endorses all required property actions to enable appropriate land zoning, reclassification and consolidation of land title for the Council-owned retirement centres.
 - b) Council endorses the implementation of "best practice" operational practices at the three Council-owned retirement centres.

- c) *Upon completion of paragraph 3 and 4 of the recommendation, Council endorses the sale of the three Council-owned retirement centres through an open Expression of Interest process, on the following basis:*
- (i) *it will be a condition of the sale that the retirement centres will be sold to an operator of retirement villages*
 - (ii) *use of selection criteria which includes the highest return for the sites and the experience of the preferred proponent(s) as an operator of retirement villages."*

This planning proposal will enable the above resolution to be achieved.

CONSULTATION

- 20 The planning proposal is proposed to be exhibited in accordance with the requirements of section 57 of the *EP&A Act 1979* and section 29 of the *Local Government Act 1993*.
- 21 The gateway determination will confirm the consultation requirements, however, it is envisaged that this will include a public notice in the Newcastle Herald, letter to adjoining property owners, publication on the City of Newcastle web page, and written referral to relevant government agencies. It is proposed that the planning proposal will be placed on public exhibition for a minimum of 28 days because the planning proposal is to reclassify community land (as well as rezone the subject land).
- 22 A public hearing will be required to be held because the planning proposal is reclassifying land from community to operational. In accordance with the Department of Planning Circular (PN09-003) the public hearing will be held after the close of the exhibition period. Public notice of the public hearing will be sent and published at least 21 days before the start of the public hearing.
- 23 In accordance with *section 57* of the *EP&A Act 1979* the report of the public hearing will be provided to Council for consideration when the planning proposal is reported back for final adoption.

OPTIONS

Option 1

- 24 The recommendation as at Paragraph 1.

Option 2

- 25 Council resolves not to proceed with the planning proposal. This option is not recommended as it would not achieve the intended outcome nor provide the community with the opportunity for feedback. This is not the recommended option.

BACKGROUND

- 26 The site previously formed part of a railway line connecting the old Lambton Colliery to the Port of Newcastle. The site formed part of the approaches to an overhead bridge that allowed trains to pass over Hobart Road. The line appears to have been constructed in the late 1800s or early 1900s and was dismantled in the early 1970s. After that time the railway bridge was removed, and the elevated approaches were partially levelled or removed.
- 27 The site was mostly grassed and Allambie Court retirement centre was constructed in 1972. The car parking and services area at the rear of Allambie Court were located on a separate title of land.
- 28 When the *Local Government Act 1993* came into force, all non-operational Council land defaulted to community land, which included New Lambton Park. However, due to the subdivision pattern and the Allambie Court development being located across two separate lots, this meant that part of Allambie Court is now located on community land. In order to carry out Council's resolution of 10 December 2013, the part of Lot 2 that is associated with Allambie Court will need to be reclassified as Council is unable to divest itself of community land.
- 29 Council's Strategic Planning Services staff received a formal request to amend Newcastle LEP 2012, which was processed in accordance with Council's 'LEP – Request for Amendment Policy'. This included evaluation by Council's LEP Advisory Panel, which is made up of staff across various areas of Council and covers a broad range of technical expertise.
- 30 As a result, a planning proposal was prepared.

REFERENCES

ATTACHMENTS

Attachment A: Planning Proposal - 41 Wallarah Road New Lambton

Attachment A distributed under separate cover.

**ORDINARY COUNCIL MEETING
22 JULY 2014**

**CCL 22/07/14
41 WALLARAH ROAD NEW LAMBTON - ENDORSEMENT OF
PROPOSED AMENDMENT TO NEWCASTLE LOCAL
ENVIRONMENTAL PLAN 2012**

Attachment A: Planning Proposal

DISTRIBUTED UNDER SEPARATE COVER
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Planning Proposal



41 Wallarah Road New Lambton

July 2014

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41 Wallarah Road New Lambton

Summary of Proposal

Proposal	Reclassification of land from Community to Operational and rezoning of the land from RE1 to R2	
Property Details	41 Wallarah Road New Lambton	Part Lot 2 DP 219868
Applicant Details	The City of Newcastle – Commercial Property	

Background

Council proposes to amend Newcastle LEP 2012 by rezoning and reclassifying land that is partly occupied by the Allambie Court retirement village development, and partly undeveloped open space.

The Planning Proposal will enable the owner, Council's Commercial Property Services Unit, to consolidate the subject land (Part Lot 2 DP 219868) with the remainder of Allambie Court retirement village (Lot 1 DP 219868 and Lot 1 DP 115047).

Rezoning the land from RE1 to R2 would recognise that the land is no longer Council owned open space, and zone it consistent with the adjacent Allambie Court complex and adjacent residential lots. Reclassifying the land to operational and rezoning the land to R2 facilitates the regularisation of the improvements on the Allambie Court component of the site. An R2 zoning will permit residential uses, including seniors housing, to be carried out with consent on the site. It would also provide the potential to increase the number of dwelling units at Allambie Court.

The proposed amendment will enable Council to consolidate the site and retirement village development and transfer by sale or other means to retirement housing operator.

Site

The proposal consists of land at 41 Wallarah Road New Lambton, described as part of Lot 2 DP 219868 (the site).

The site is currently zoned RE1 Public Recreation and classified as community land.

The western part of the site is within the fenced area of the Allambie Court and functionally operates as part of Allambie Court, despite the subject land's zoning and classification. This area consists a driveway and large carport structure. The remainder of the site forms the western extremity of New Lambton Park but has no improvements.

The residue of Lot 2 DP 219868, to the east of the site contains a number of sealed and grass surface netball courts. The Proposal will not affect the operation of the netball courts.

The site is zoned RE1 Public Recreation but adjoins land zoned R2 Low Density Residential on three sides. The R2 zoned land is occupied by single detached dwellings and Allambie Court, which is made up of attached multiple dwelling development.

The local area and the site itself are illustrated in:

Figure 1: Local context of the Site, and

Figure 2: Air Photograph of the Site



Newcastle Local Environmental Plan 2012

Local Area Context Map

Cadastre

Cadastre base data 01/08/2007 © LPMA
Addendum data 02/07/2014 © Newcastle City Council

-  Subject Site
-  Suburb boundary
-  LGA boundary



Projection GDA 1994
Zone 56

0 100 200m

Scale 1:5,000 @ A4

Planning Proposal - Part of land known as 41 Wallarah Road, New Lambton -
Local Area Context Map



Figure 1: Local context of the site



Newcastle Local Environmental Plan 2012

Site Air Photo Map

Cadastre

- Cadastre base data 01/08/2007 © LPMA
Addendum data 02/07/2014 © Newcastle City Council
- Subject Site
- Suburb boundary

#

Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Part of land known as 41 Wallarah Road, New Lambton -
Site Air Photo Map



Figure 2: Air photo of the site

Part 1 - Objectives or Intended Outcomes

To enable part of 41 Wallarah Road New Lambton (Lot 2 DP 219868) to be consolidated with the adjoining lots occupied by Allambie Court Retirement Village (Lot 1 DP 219868 and Lot 1 DP 115047; hence enabling Council to dispose of the site (whether by sale or otherwise) to an operator of retirement villages.

Part 2 - Explanation of Provisions

It is proposed to amend the Newcastle Local Environmental Plan 2012 by:

1. Including the subject land within Part 1- *Land classified or reclassified, as operational land- no interests changed* within Schedule 4 *Classification and reclassification of public land*, as follows:
 - a. Column 1 to read “*New Lambton*”
 - b. Column 2 to read “*Part of Lot 2 DP 219868, being land in Zone R2 Low Density Residential and part of 41 Wallarah Road*”.
2. Amending Map LZN_002F by rezoning part of Lot 2 DP 219868 from Zone RE1 Public Recreation to Zone R2 Low Density Residential.
3. Amending Map HOB_002F by including a maximum height limit of 8.5m to part of Lot 2 DP 219868.
4. Amending Map FSR_002F by including a maximum floor space ratio of 0.6 to part of Lot 2 DP 219868.
5. Amending the Minimum Lot Size map LZN_002F for Part Lot 2 DP 219868 to have a minimum Lot size of 400 square metres.

The effect of the proposed amendment is to reclassify (the subject land from community to operational land and rezone the land from RE1 Public Recreation to R2 Low Density Residential. It will also revoke the land's public reserve status on the land.

Part 3 – Justification

Section A - Need for the planning proposal

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

The Planning Proposal is not a result of any strategic planning study or report but a result of a review of Council owned retirement housing.

The reclassification and rezoning of the site will enable Council to consolidate the subject land with the adjacent land (Lot 1 DP 219868 and Lot 1 DP 115047), to enable Allambie Court to be contained on one land title and facilitate Council divesting itself from this asset in the future.

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

Yes, amending the Newcastle LEP 2012 to reclassify the subject land from Community to Operational and Rezone the land from RE1 Public Recreation to R2 Low Density Residential is the best means of achieving the objectives of this planning proposal.

There does not appear to be any other suitable means of achieving the intent.

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 facilitate increased housing diversity in the locality in order to respond to demographic change. The site is located in an area of high accessibility to services and transport.

It is considered the Proposal is consistent with the Lower Hunter Regional 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)

The Newcastle Urban Strategy is Council's local strategic land use planning document. The Urban Strategy states that an important aim is "to provide greater choices to the community in terms of access to housing, employment, transport, social and cultural services, while offering reduced travel demand". The continued operation and potential expansion of the Allambie village retirement village complex will assist the achievement of that aim. The Proposal is consistent with the Newcastle Urban Strategy.

The Newcastle Urban Strategy is being reviewed. The Housing and Neighbourhoods Working Paper produced as part of the review process identified the increasing proportion of aged people in Newcastle and the importance of providing housing appropriate for their needs. This Proposal is consistent with the findings of the Working Paper.

Newcastle Local Environmental Plan 2012

The Newcastle Local Environmental Plan 2012 has as one of its aims to “encourage a diversity of housing types in locations that improve access to employment opportunities, public transport, community facilities and services, retail and commercial facilities; this proposal seeks to contribute to the diversity of housing in the locality.

The Proposal is also consistent with the objectives of the R2 zone, to *“To provide for the housing needs of the community within a low density residential environment”* and *“To accommodate a diversity of housing forms that respects the amenity, heritage and character of surrounding development and the quality of the environment”*.

Newcastle Recreation Plan

Newcastle City Council's Recreation Plan 2006-2016 makes no provision for strategic works to be undertaken on the site; however, the Plan proposes additional skate elements in the nearby skate park and upgraded floodlights in the adjacent sporting fields. This Proposal does not impede these works, nor the functioning of existing or planned recreational opportunities at New Lambton Park.

Plans of Management for Community Land

New Lambton Park is categorised as District Sportland in the Sportslands Plan of Management (POM) for Community Land. There is no site specific POM for New Lambton Park, and the Sportslands Plan of Management does not propose any site specific actions/policies in relation to the Park. New Lambton Park includes a bowling club, skateboard park, and facilities for cricket, soccer, rugby league, and netball. An enclosed oval and grandstand is located in the southern area of the park. None of these facilities will be negatively affected by this proposal.

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 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)	Yes.	Not Consistent. Caravan Parks are a permissible use in the RE1 zone, but not in the proposed R2 zone. Given the size and location of the subject land a caravan park is not a viable or a likely use for the land.
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)	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 44 (Koala Habitat Protection)	Yes	The SEPP applies to the entire LGA, however, the land is cleared and does not consist any areas of 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	

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 55 (Remediation of Land)	Yes	There is no records of contamination on the land, however as the land was previously used a part of a railway line, Council will require a contamination assessment by a suitably qualified person to determine if the land is contaminated and if so satisfy Council that the land may be remediated for its intended purpose. Council proposes for this to be carried out prior undertaking community consultation.
State Environmental Planning Policy No 59 (Central Western Sydney Economic and Employment Area)	No	
State Environmental Planning Policy No 62 (Sustainable Aquaculture)	No	
State Environmental Planning Policy No 64 (Advertising and Signage)	No	
State Environmental Planning Policy No 65 (Design Quality of Residential Flat Development)	Yes, Low scale residential flat buildings are permissible in the R2 zone.	Consistent
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	Yes. The proposal facilitates development on land to which the SEPP applies, and accordingly has the potential to increase the supply of affordable housing.	Consistent
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Yes	Consistent
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes	Consistent. The proposal facilitates development on land to which the Exempt and Complying Development Code may be applied.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Yes	Consistent. The proposal potentially facilitates development on land upon which housing for seniors and people with a disability may be developed.

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy (Infrastructure) 2007	Yes.	Consistent. The planning proposal will result in the land being within a prescribed zone of the Infrastructure 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	
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	No	
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 Development		
3.1 Residential Zones	No	

S117 Direction	Applicable	Consistent
3.2 Caravan Parks and Manufactured Home Estates	Yes.	Minor inconsistency. Caravan Parks are a permissible use with consent in the existing zone (RE1). They are not permissible in the proposed zone (R2). Given the small size and location of the subject land a manufactured home estate is not a viable or a likely use for the land.
3.3 Home Occupations	No	
3.4 Integrating Land Use and Transport	Yes.	Consistent. The Proposal aims to facilitate housing (aged) in a location with good public transport and active transport access. The site is also well located in relation to services and retail.
3.5 Development Near Licensed Aerodromes	No	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes.	No. The subject land is classified as Class 5 on the 'Potential Acid Sulfate Soils Planning Map' of the Newcastle Local Environmental Plan 2012. The Class 5 category is the least critical category. Any future development projects would need to be aware the requirements of Clause 6.1 of the Newcastle Local Environmental Plan 2012.
4.2 Mine Subsidence and Unstable Land	No	
4.3 Flood Prone Land	No	
4.4 Planning for Bushfire Protection	No	
5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	Consistent. 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	

S117 Direction	Applicable	Consistent
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	No	
6.2 Reserving Land for Public Purposes	No	
6.3 Site Specific Provisions	No	

In addition to the Section 117 Directions addressed above, a written statement is provided within table 3 (below) addressing matters regarding the classification and reclassification of public land through a local environmental plan, pursuant to LEP Practice Note: PN 09-003

Table 3 - LEP Practice Note PN 09-003 - Written Statement

Issued to be addressed	Comment
Reason why the planning proposal is being prepared.	The Proposal is being prepared so that the land can be classified as operational and allow Council the option of selling the subject site.
Current and proposed classification	The land is currently classified as Community Land and it is proposed that the land be classified as Operational Land.
Reason for the reclassification	Council is proposing the reclassification as they wish to have the option of selling the subject site after consolidation with the adjacent Lot 1 DP 219868, which is occupied by Allambie Court, and Lot 1 DP 115047. Council is seeking to change the zoning of the subject land from RE1 to R2, consistent with the adjacent residential land.
Council's ownership of the land	The subject land is owned by Council.
How and when the interest was acquired.	The subject land was acquired by Council in 1964 as a result of a deed whereby its private owners granted the land to Council in fee simple "for reasons of public policy and better provision of public garden and recreation space". See extract deed from Old title system to Torrens Title conversion attached.

Issued to be addressed	Comment
The reason Council acquired an interest in the land.	Council acquired the land as part of a larger parcel for addition to New Lambton Park. The eastern part of Lot 2 has been developed for netball courts. The subject land is the western part of Lot 2 which has not been developed for sportsfields or any other open space embellishment and is partially occupied by a driveway and vehicle parking facilities associated with the Allambie Court retirement village development.
Any agreements over the land.	There is no legal agreement over the land.
An indication of any financial loss or gain from the reclassification.	The land was valued by the Valuer General at \$550,000 on 1/7/2012. The financial gain achieved by Council from the sale of the property will be determined by the outcome of an open tender. That part of the net proceeds of the sale attributed to Part Lot 2 will be allocated to the enhancement of public facilities or management of community land.
The asset management objectives being pursued.	Council would like to dispose of the site to a retirement housing operator following consolidation with the adjacent Allambie Court. The sale is motivated by a review of Council's retirement housing assets and a desire for these facilities to be owned and operated by an organisation other than Council. This will free up Council funds (capital and operational) to meet current priorities as expressed in the Council's Community Strategic Plan.
Whether there has been an agreement for the sale or lease of the land.	No agreements have been reached for the sale or lease of the land. This will be subject to open tender following the completion of the rezoning and reclassification of the subject land and its consolidation with Allambie Court (Lot 1 DP 219868) and Lot 1 DP 115047.
Relevant matters required in plan making under the Environmental Planning and Assessment Act.	The reclassification is proposed to be carried out in accordance with: s55 Relevant Authority to prepare a planning proposal s56 Gateway Determination s57 Community Consultation
A copy of the Practice Note.	Attached

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 cleared of any natural vegetation hence 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

The site is not located in a Mine Subsidence District.

Hydrology and Water Management

Lot 2 DP 219868 is affected by a floodway. However, the flood classification of that part of Lot 2 affected by this Proposal (the site) is shown unaffected by flood on the flood classification map attached to the Flood Certificate. Areas with the periphery of the site shown as flood hazard H1 and H2; both categories represent a low risk to life and property.

Notwithstanding the above, any future Development Application should consider flood risk management consistent with Section 4.01 of the Newcastle Development Control Plan 2012.

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 records of contamination on the land, however as the land was previously used a part of a railway line.

Council will require a contamination assessment by a suitably qualified person to determine if the land is contaminated and if so satisfy Council that the land may be remediated for its intended purpose. Council proposes for this to be carried out prior undertaking community consultation.

Traffic Impacts and Vehicular and Pedestrian Access

The site does not have a road frontage. When consolidated with the Allambie Court land (Lot1) the consolidated site will have a frontage to Hobart Road. The Planning Proposal does not raise any traffic or access issues. Any future development applications will be required to address these matters.

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

The reclassification will result in a loss of informal public open space. The social impact of this has been deemed to be low because:

- It is very small in size (1690.34 square metres)
- It is too small for most recreational purposes
- It is bounded by private land on three sides and is at a different level to the balance of the adjoining open space
- It does not receive significant recreational use

Reclassifying the subject land to Operational will impact positively on Council financially as the subject site will be an asset which Council will have the potential to sell. Notwithstanding the sale process, Council has resolved that the site will be consolidated with the adjoining Allambie Court and sold to a retirement home operator, which will continue and potentially expand its role of providing aged housing.

Council's Public Land Reclassification Policy 2000

Council's Public Land Reclassification Policy 2000 applies to all proposals reclassifying public land from community to operational.

The Planning Proposal has been assessed against this Council policy (See Table 4).

Table 4: Assessment under Newcastle Public Lands Reclassification Policy

Issued to be addressed	Comment
Step 1: Are there any significant public interest issues affecting the land?	
Significant natural features	The land does not contain any significant natural features.
Cultural significance	The site does not contain items of cultural significance.
Public health and safety	The land is: • not bushfire prone, • not flood prone, • is affected by Category 5 acid sulphate soils • is unlikely to be contaminated such as to prevent rezoning for residential purposes. These natural hazards will not impact on the reclassification as no development is being proposed. Any future development application would have to address these issues.

Issued to be addressed	Comment
Public access	The parcel of land to be reclassified does not contain a designated pathway for access to community facilities. The subject site is not part of the Newcastle Cycling Strategy and Action Plan. The land does not have significance for public access.
Special legal status	The land is a dedicated public reserve. The reserve status of the land is proposed to be revoked upon rezoning and reclassification.
Proceed to step 2?	Yes, the proposal may proceed to step 2 given that no significant public interests have been raised.
Step 2: Will there be a net positive benefit for the community?	
Financial impact	The proposal will have a positive financial impact on Council. Council has the option of selling operational land. If the land is sold Council will not be responsible for ongoing maintenance costs. The land is valued at approximately \$550,000 (VG, 2012) Proceeds from the sale of the land will be allocated to the Council Land and Property Reserve. That part of the net proceeds of the sale attributed to Part Lot 2 will be allocated to the enhancement of public facilities or management of community land under Council's reclassification policy.
Land management impact	There will be no land management impacts.
Impact on community uses and opportunities	Reclassifying the site will not result in a significant reduction of usable parkland or recreation grounds. The subject land is only 1690 sq. metres and alternative open space is located adjacent. The land receives minimal public usage and at least half of the land is already alienated from general public use. There is no need for alternative community land to be provided, given the amount of recreational land nearby.
Impact on enjoyment of community land	Reclassification of the site will have a minimal impact on enjoyment of the community land. The land currently has minimal community use.
Social impact	The proposal is likely to have a positive social impact as it will assist in the ongoing provision and potential expansion of retirement village housing, an important local service in the community.
Economic Impact	The proposal is likely to have a positive impact on the economy as it will assist in the ongoing viability of a retirement village complex which requires maintenance and the ongoing provision of a range of services

Section D - State and Commonwealth interests

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

The Proposal is seeking to reclassify and rezone a relatively small site (1690.34 square metres) and is unlikely to lead to a significant additional load on existing public infrastructure. In any case, any subsequent development application would need to consider the impact of the proposed development on public infrastructure.

The site would need to be consolidated with other land to gain street access. Council has resolved to consolidate the site with the adjoining Allambie Court retirement village complex (Lot 1 DP 219868) and Lot 1 DP 115047. This will provide the site with street access.

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

No consultation has been carried out at this stage. At this stage it is not proposed to consult with any State and Commonwealth Public Authorities, unless otherwise directed by 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	X		X			X	X				
002G											
002H											
003											
004											
004A											
004B											
004C											
004D											
004E											
004F											
004FA											
004G											
004H											
004I											
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 Floor Space Ratio Map
- **Figure 6.** Proposed Max Floor Space Ratio Map
- **Figure 7:** Existing Max Height of Buildings Map
- **Figure 8.** Proposed Max Height of Buildings Map
- **Figure 9.** Existing Min Lot Size Map
- **Figure 10.** Proposed Min Lot Size Map

Furthermore the following maps illustrate the land proposed to be reclassified as a result of amending Schedule 4 - 'Classification and reclassification of public land':

- **Figure 11:** Existing Land Classification
- **Figure 12:** Proposed Land Classification



Newcastle Local Environmental Plan 2012

Existing Land Zoning Map

Cadastre

- Cadastre base data 01/08/2007 © LPMA
- Addendum data 02/07/2014 © Newcastle City Council
- Subject Site

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- E1 National Parks and Nature Reserves
- E2 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
- R4 High Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP1 Special Activities
- SP2 Infrastructure
- W2 Recreational Waterways
- UL Unzoned Land

#

Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Part of land known as 41 Wallarah Road, New Lambton -
Existing Land Zoning Map

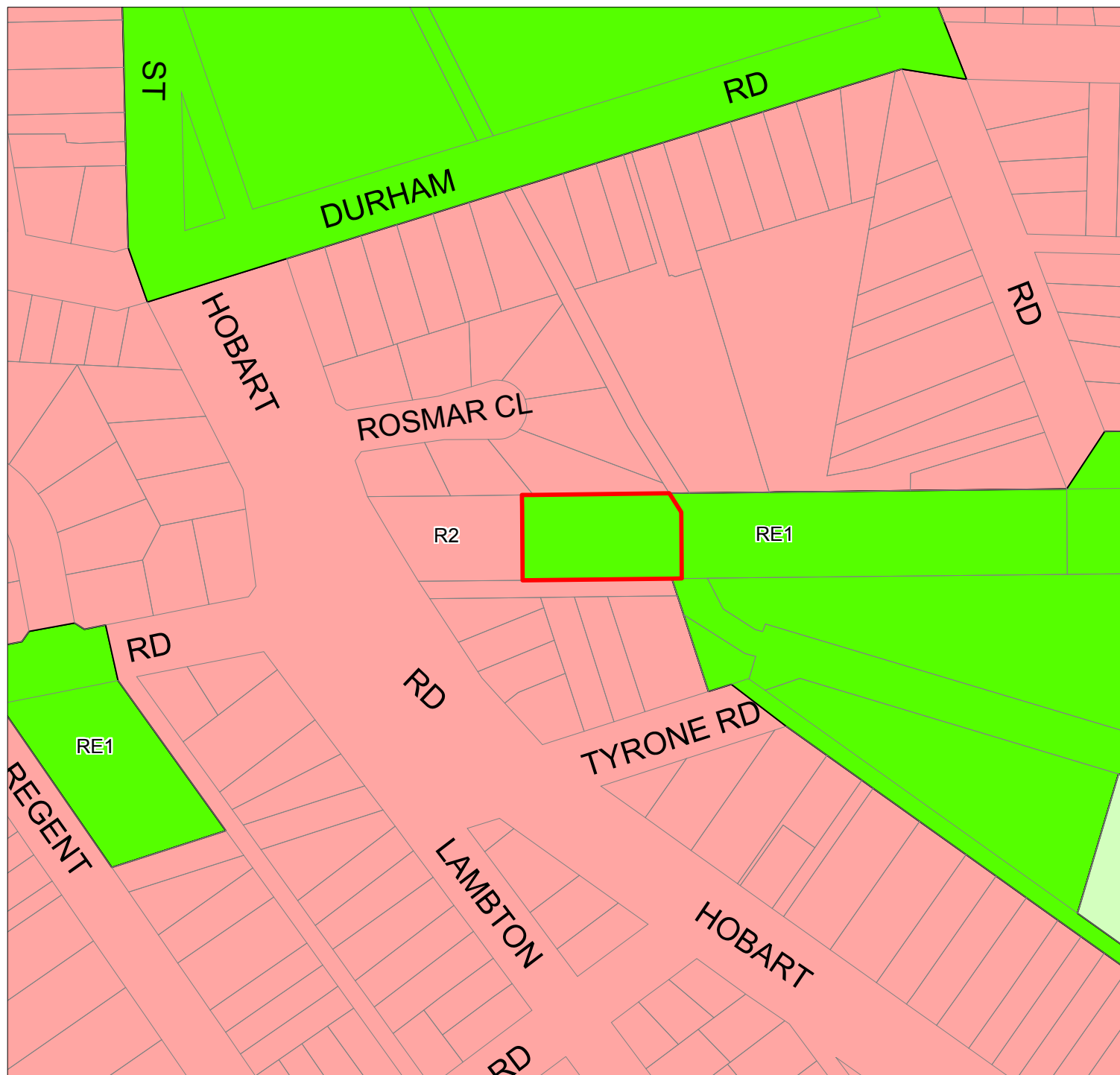


Figure 3



Newcastle Local Environmental Plan 2012

Proposed Land Zoning Map

Cadastre

- Cadastre base data 01/08/2007 © LPMA
Addendum data 02/07/2014 © Newcastle City Council
- Subject Site

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- E1 National Parks and Nature Reserves
- E2 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
- R4 High Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP1 Special Activities
- SP2 Infrastructure
- W2 Recreational Waterways
- UL Unzoned Land

#

Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Part of land known as 41 Wallarah Road, New Lambton -
Proposed Land Zoning Map

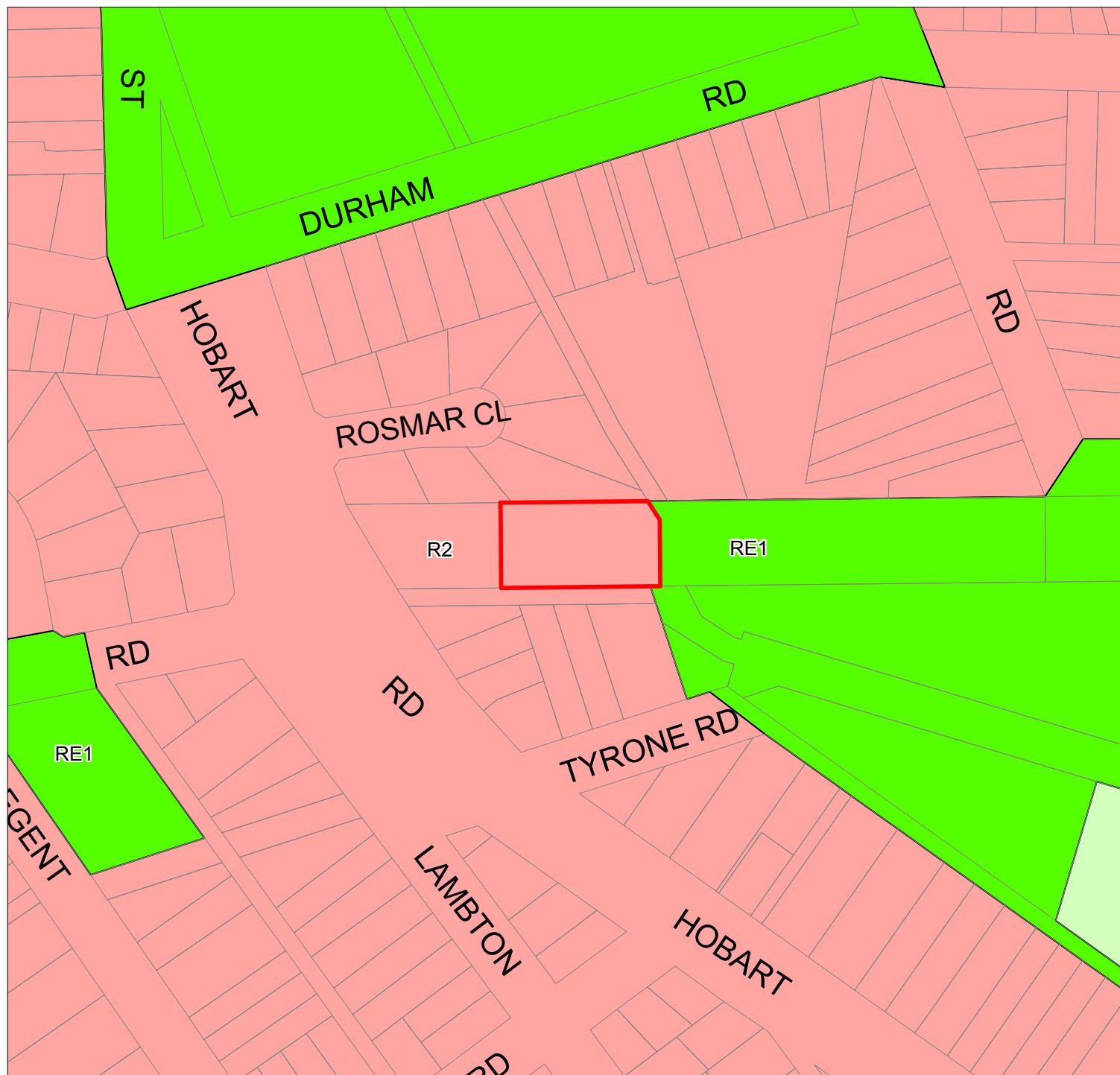


Figure 4



Newcastle Local Environmental Plan 2012

Existing Max Floor Space Ratio Map

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
Addendum data 02/07/2014 © Newcastle City Council
-  Subject Site

Maximum Floor Space (n:1)

F	0.6
I	0.75
L	0.9
N	1
S	1.5
T	2
U	2.5
V	3
X	4
Z	5
AA	6
AB	7
AC	8

#

Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Part of land known as 41 Wallarah Road, New Lambton -
Existing Maximum Floor Space Ratio Map

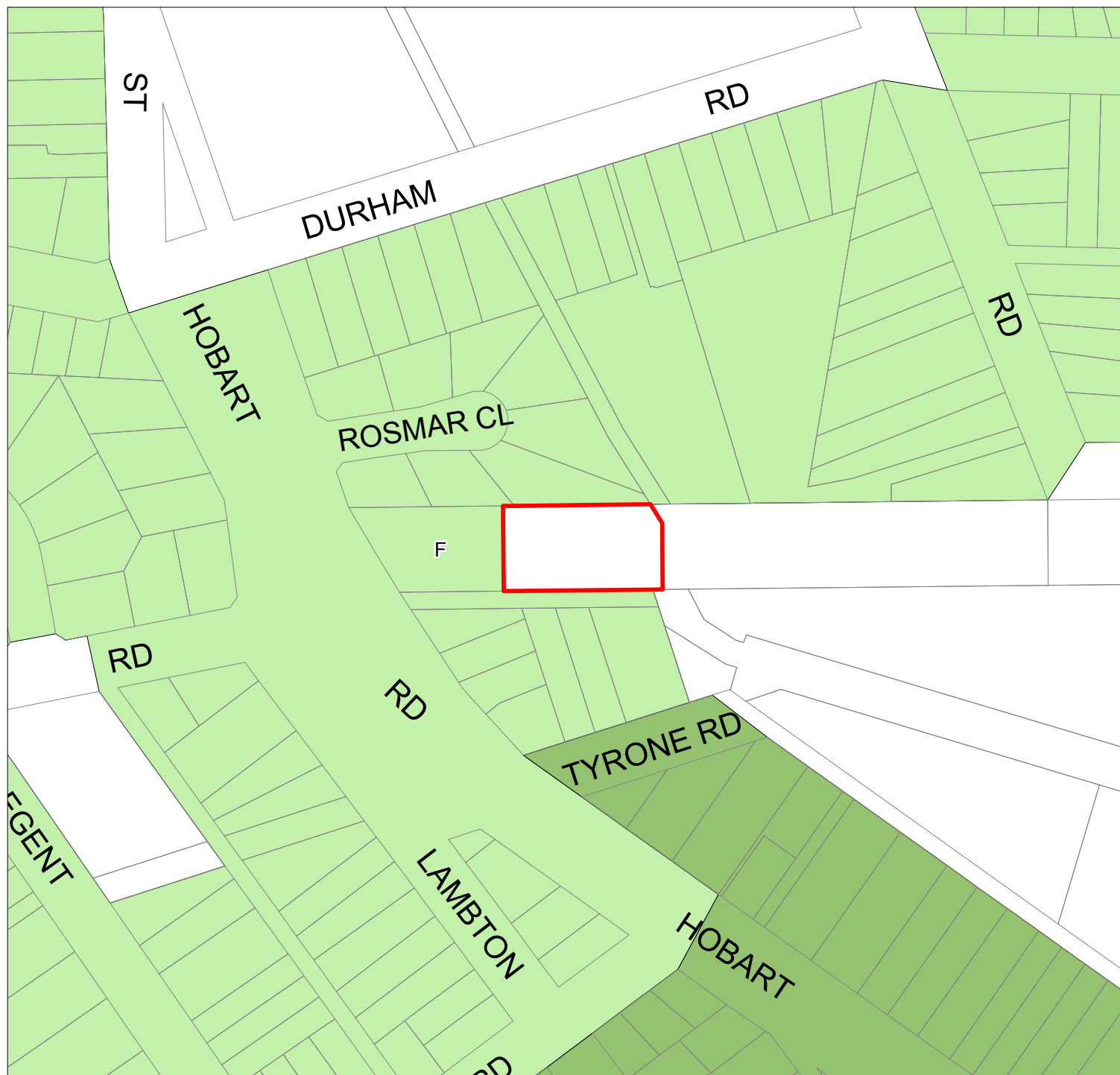


Figure 5



Newcastle Local Environmental Plan 2012

Proposed Max Floor Space Ratio Map

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
Addendum data 02/07/2014 © Newcastle City Council
-  Subject Site

Maximum Floor Space (n:1)

F	0.6
I	0.75
L	0.9
N	1
S	1.5
T	2
U	2.5
V	3
X	4
Z	5
AA	6
AB	7
AC	8

#

Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Part of land known as 41 Wallarah Road, New Lambton -
Maximum Floor Space Ratio Map

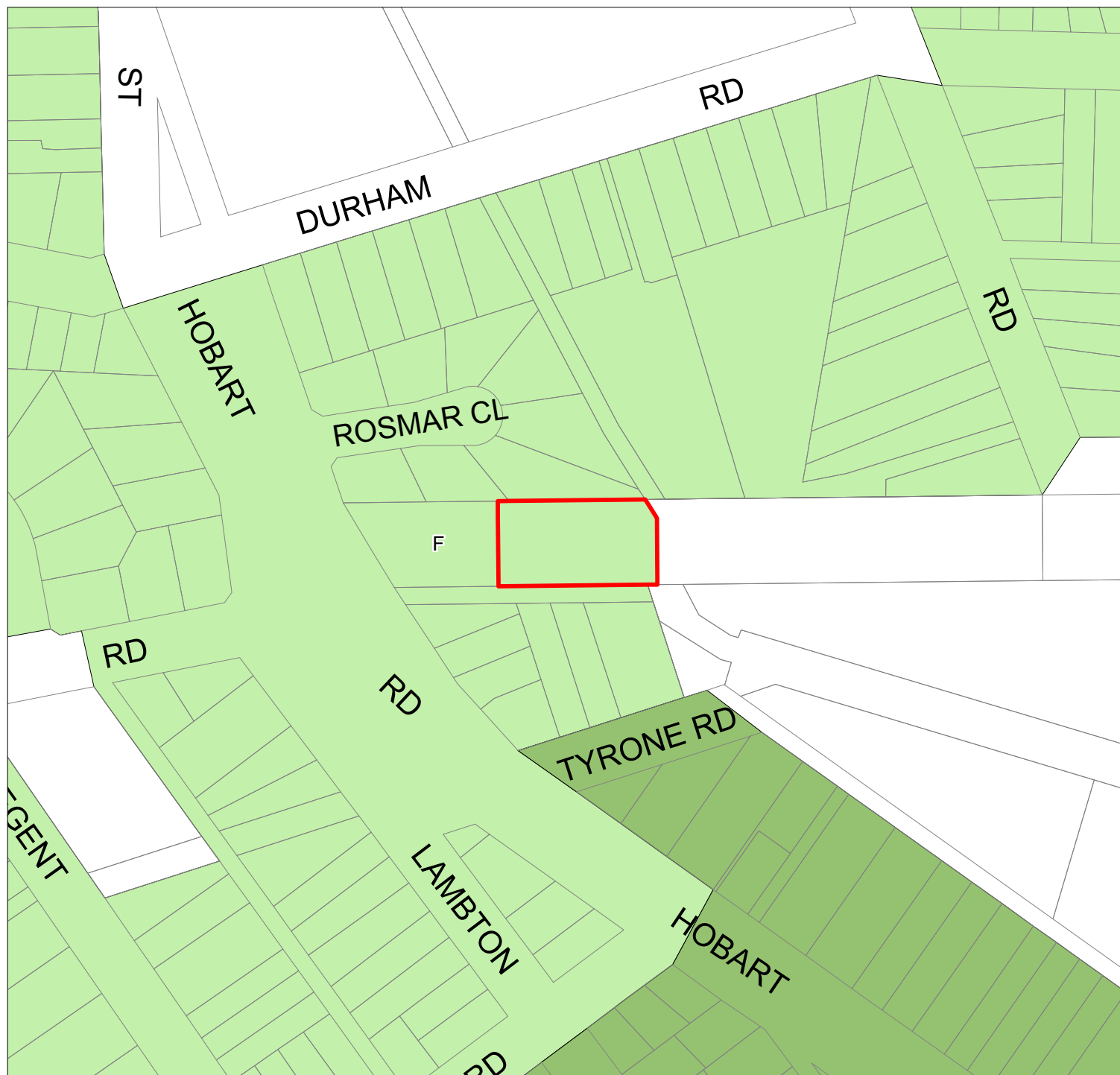


Figure 6



Newcastle Local Environmental Plan 2012

Existing Max Height of Building Map

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
Addendum data 02/07/2014 © Newcastle City Council
-  Subject Site

Maximum Building Height (m)

I	8.5
K	10
L	11
N	14
P1	17
P2	18
Q	20
R	21
S	24
U	30
V	35
X	45
AA	60
AB	90

#

Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Part of land known as 41 Wallarah Road, New Lambton -
Existing Max Height of Building Map

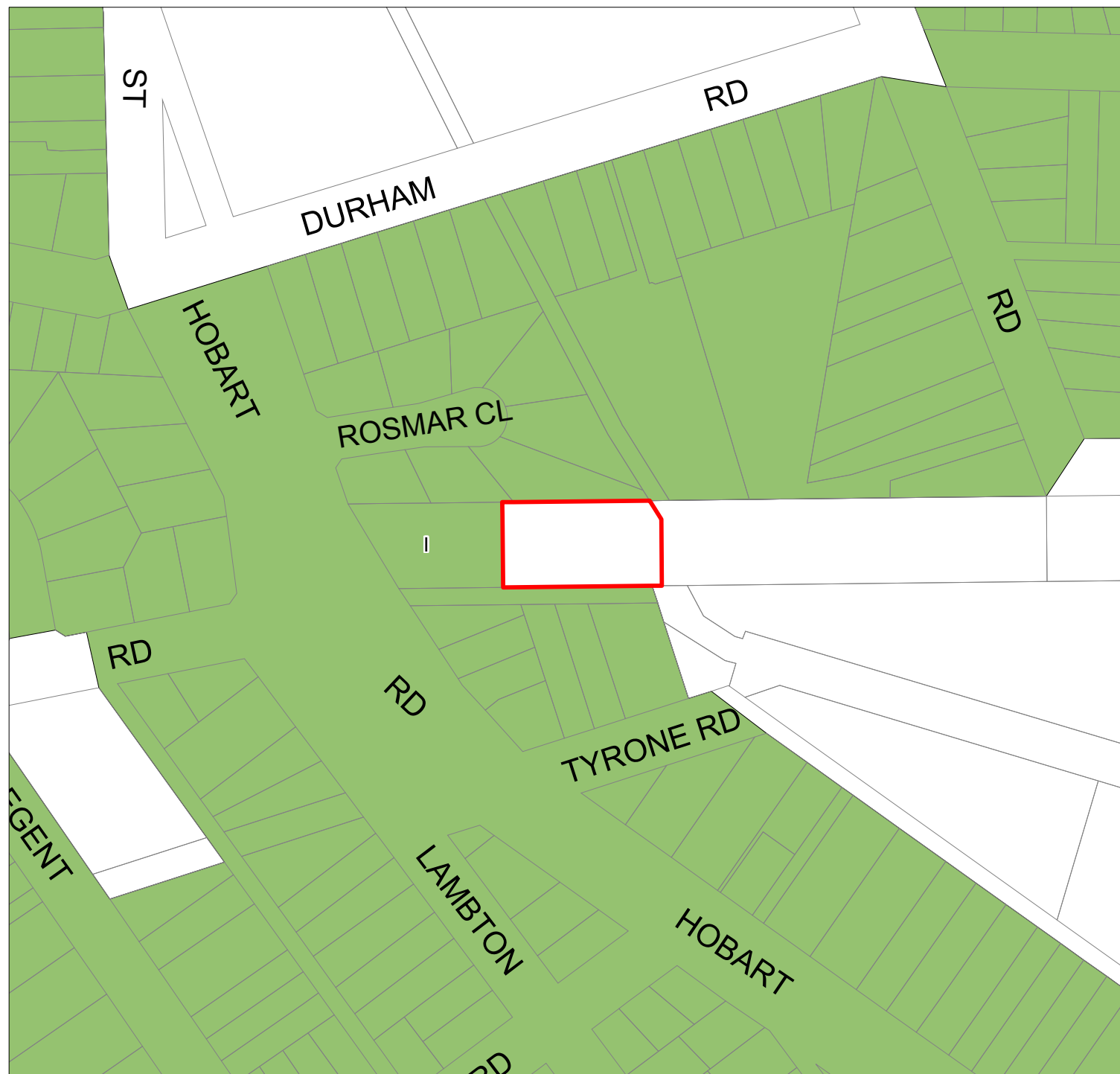


Figure 7



Newcastle Local Environmental Plan 2012

Proposed Max Height of Building Map

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
Addendum data 02/07/2014 © Newcastle City Council
-  Subject Site

Maximum Building Height (m)

I	8.5
K	10
L	11
N	14
P1	17
P2	18
Q	20
R	21
S	24
U	30
V	35
X	45
AA	60
AB	90

#

Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Part of land known as 41 Wallarah Road, New Lambton -
Proposed Max Height of Building Map

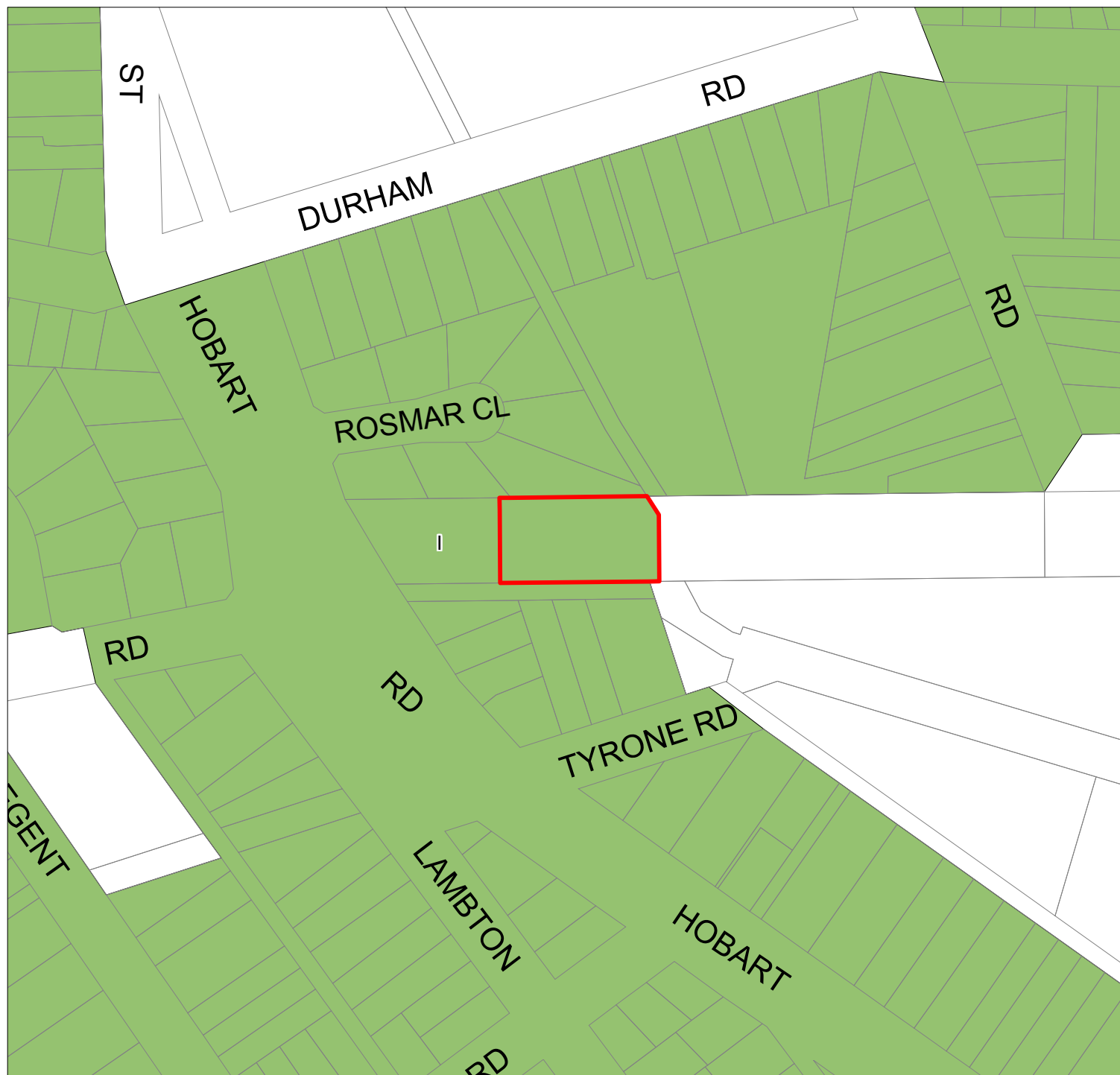


Figure 8



Newcastle Local Environmental Plan 2012

Existing Min Lot Size Map

Minimum Lot Size (sq m)

F	400
G	450
U	1 000
Y	10 000 (1 ha)
Z	20 000 (2 ha)
AB	400 000 (40 ha)

Cadastre

- Cadastre base data 01/08/2007 © LPMA
- Addendum data 02/07/2014 © Newcastle City Council
- Subject Site

#

Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Part of land known as 41 Wallarah Road, New Lambton -
Existing Min Lot Size Map

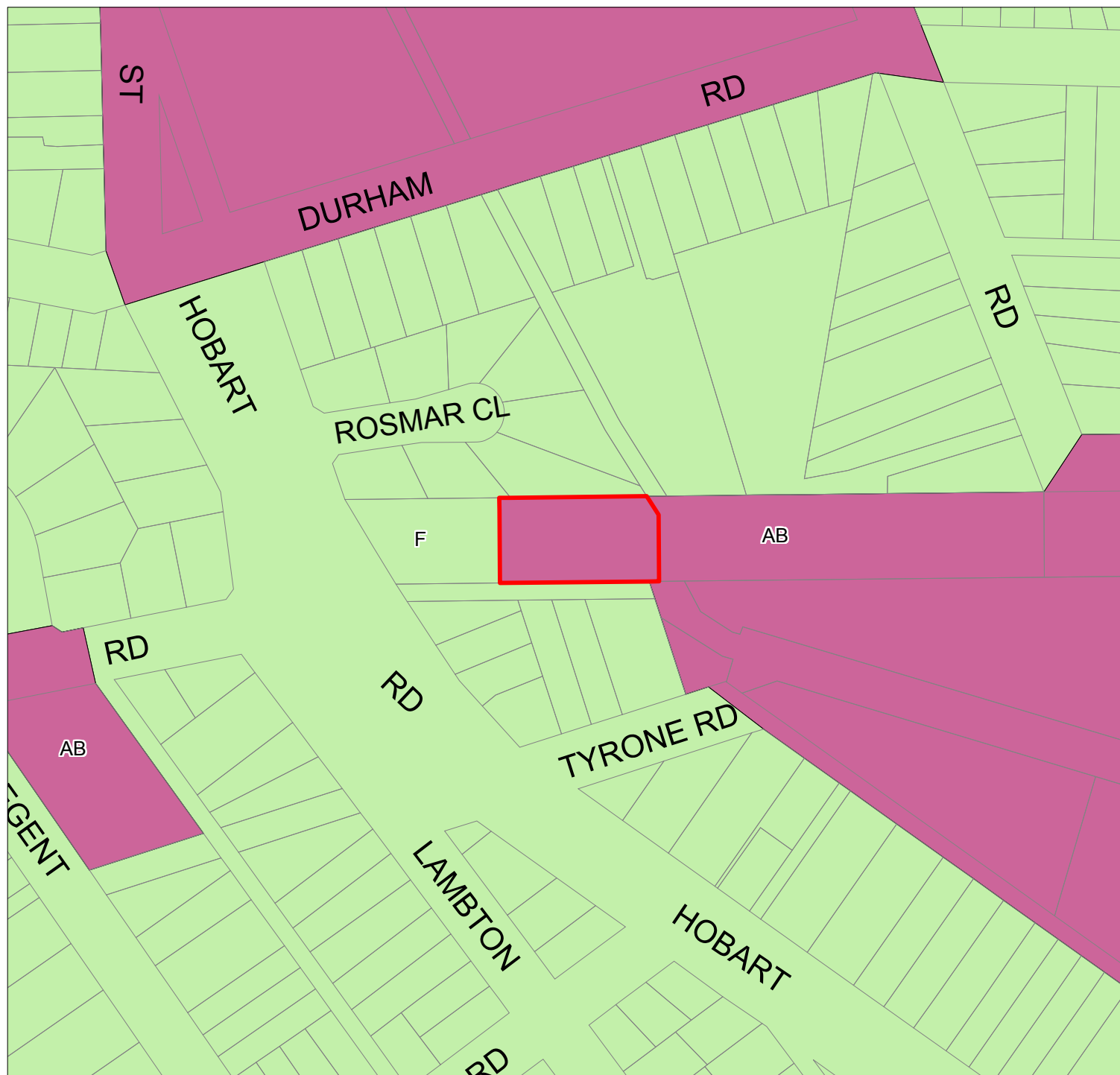


Figure 9



Newcastle Local Environmental Plan 2012

Proposed Min Lot Size Map

Minimum Lot Size (sq m)

F	400
G	450
U	1 000
Y	10 000 (1 ha)
Z	20 000 (2 ha)
AB	400 000 (40 ha)

Cadastre

- Cadastre base data 01/08/2007 © LPMA
- Addendum data 02/07/2014 © Newcastle City Council
- Subject Site

#

Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Part of land known as 41 Wallarah Road, New Lambton -
Proposed Min Lot Size Map

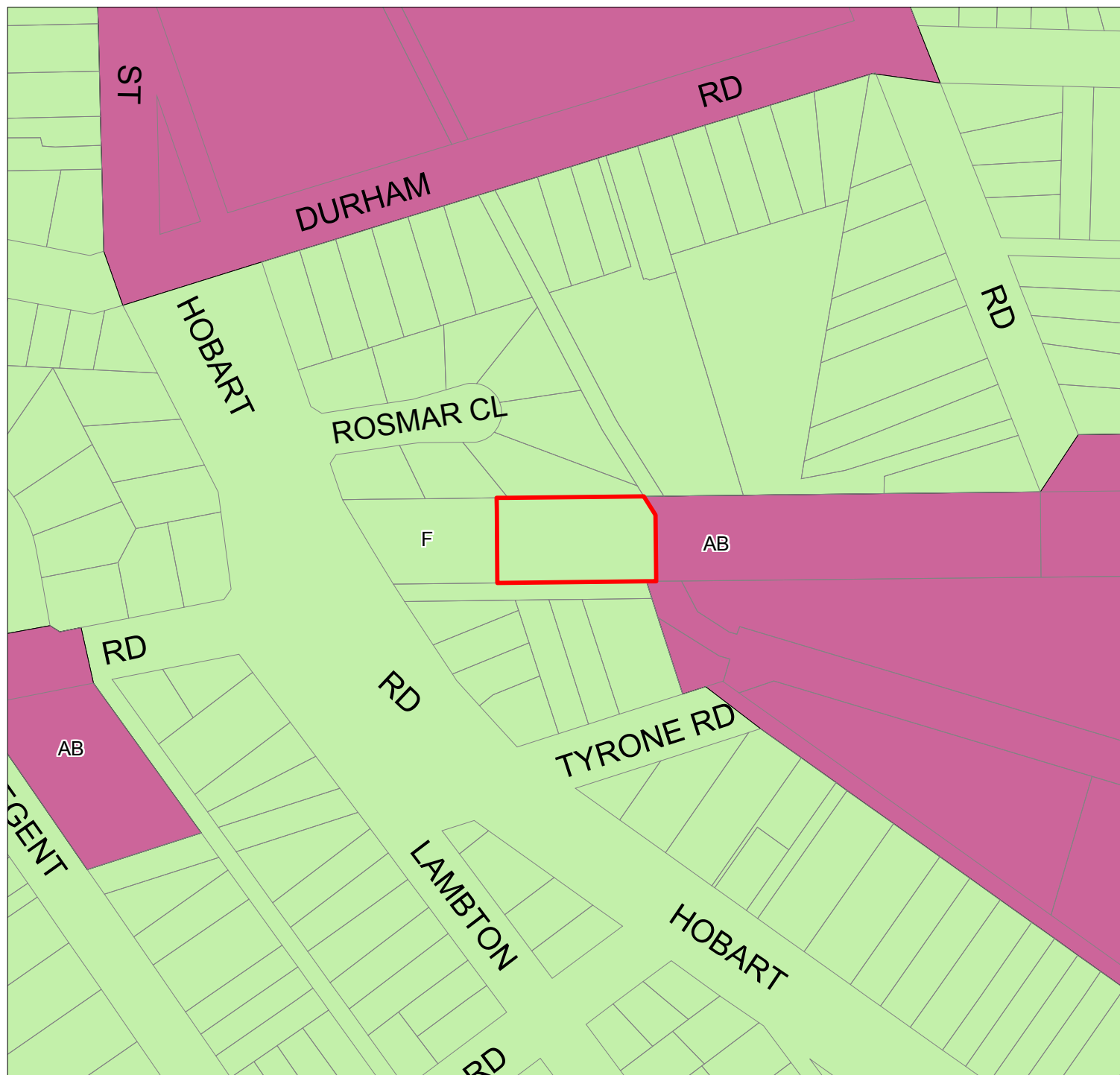


Figure 10

No Window

Newcastle Local Environmental Plan 2012

Existing Land Classification

Cadastre

- Cadastre base data 01/08/2007 © LPMA
- Addendum data 02/02/2013 © Newcastle City Council
- Subject Site

Land Classification

- Operational Land
- Community Land

#

Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Part of land known as 41 Wallarah Road, New Lambton -
Existing Land Classification

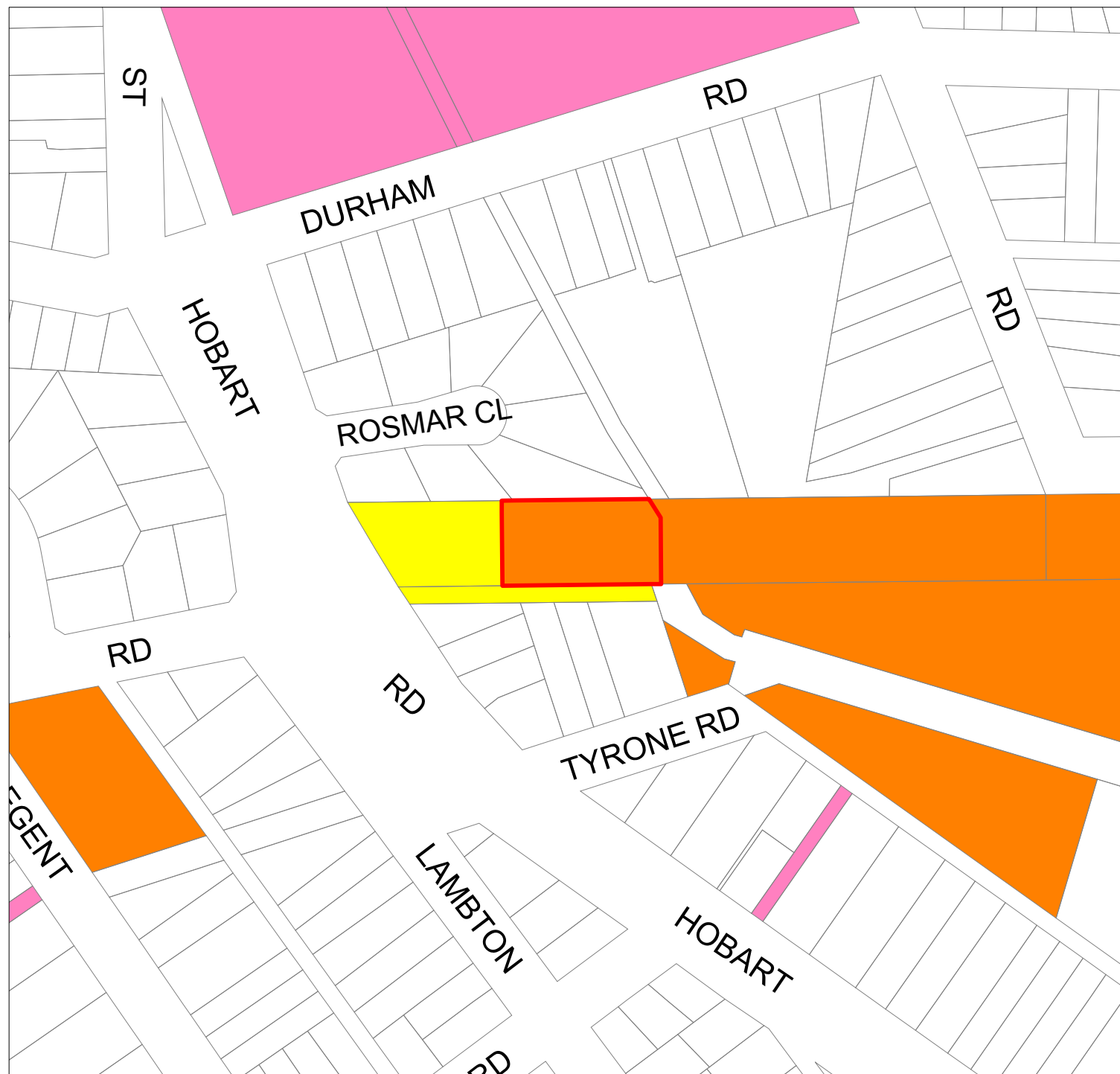


Figure 11

No Window

Newcastle Local Environmental Plan 2012

Proposed Land Classification

Cadastre

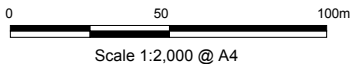
-  Cadastre base data 01/08/2007 © LPMA
Addendum data 02/07/2014 © Newcastle City Council
-  Subject Site

Land Classification

-  Operational Land
-  Community Land

#

Projection GDA 1994
Zone 56



Planning Proposal - Part of land known as 41 Wallarah Road, New Lambton -
Proposed Land Classification

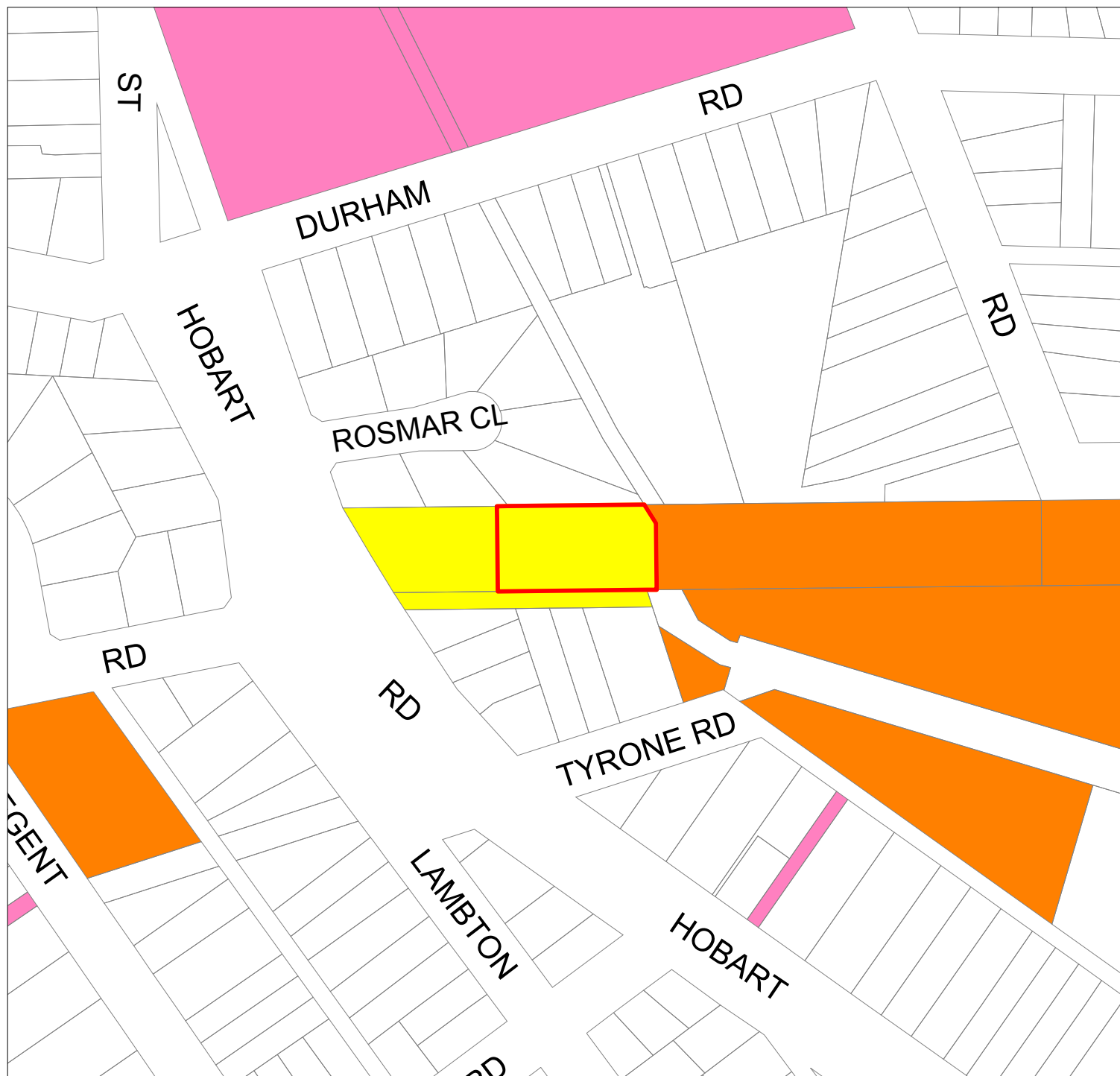


Figure 12

Part 5 – Community Consultation

Council proposes that the planning proposal be exhibited in accordance with the requirements of section 57 of the EP&A Act 1979 and section 29 of the Local Government Act 1993.

It is proposed that the Proposal will be placed on public exhibition for a minimum of 28 days because the Proposal is to reclassify community land (as well as rezone the subject land).

Written notification of the community consultation will be provided in a local newspaper and on Councils website. In addition to this adjoining landowners will be notified in writing. The written notice will contain:

- a brief description of the intended outcomes of the planning proposal
- an indication of the land which is affected by the proposal
- information on where and when the planning proposal can be inspected
- the name and address of Council for the receipt of submissions and
- the closing date for submissions.

During the public exhibition period the following documents will be placed on public exhibition:

- the planning proposal
- the gateway determination
- the council report
- the LEP practice note: Classification and reclassification of land through a Local Environmental Plan (PN09-003) and
- any additional studies.

A public hearing will be required to be held because the Proposal is reclassifying land from Community to Operational. In accordance with the Department of Planning Circular (PN09-003) the public hearing will be held after the close of the exhibition period. Public notice of the public hearing will be sent and published at least 21 days before the start of the public hearing.

Part 6 – Project Timeline

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

Task	Planning Proposal Timeline											
	Jul 14	Aug 14	Sep 14	Oct 14	Nov 14	Dec 14	Jan 15	Feb 15				
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												