

Newcastle Local Environmental Plan 2012 - Miscellaneous spot rezoning amendment

Proposal Title : **Newcastle Local Environmental Plan 2012 - Miscellaneous spot rezoning amendment**

Proposal Summary : **The Planning Proposal aims to amend Newcastle Local Environmental Plan 2012 as follows:-**

Amendment 1) amend Schedule 1 Additional Permitted Uses, to allow office premises and recreation facilities (outdoor) on Lots 9 and 10 DP 596183 and Lot 3 DP 5799414, 80 Macquarie Street, WALLSEND.

Amendment 2) amend Schedule 1 Additional Permitted Uses, to allow service stations on Lots 778, 779 and 780 DP 755247, 422 – 426 Newcastle Road, LAMBTON. The existing service station currently operates over Lot 778 & 779 and an existing use right applies.

Amendment 3) rezone land from RE1 Public Recreation to SP2 Infrastructure(Railway) to reflect the current infrastructure on Lot 3 DP 1006358, 81 Coorumbung Road, BROADMEADOW

Amendment 4) rezone part of land from SP2 to B5 Business Development to reflect the current land use on Lot 3150 and 3181 DP 755247, 22 & 34 Griffiths Road, LAMBTON and Lots 1 and 2 DP 252238, 9 Crescent Road, WARATAH.

Amendment 5) amend the land acquisition map to accurately identify the land to be acquired by Council to enable road widening on part of Lot 86 DP 1083318, part of Lots 1 and 2 DP 399675, and part of Lots 1-5 DP 11683, 1 Cowper Street and 1, 1A, 3, 5, 7 and 9 Longworth Avenue, WALLSEND. The amendment reduces the amount of land being acquired.

Amendment 6) rezone the land from RE1 Public Recreation to SP2 Infrastructure (Cemetery) to reflect the existing land use on Lot 1 DP 1124032, 108 Maitland Road, SANDGATE.

Amendment 7) rezone part of the land from SP2 Special Housing to part IN2 Light Industrial (1.83ha) and part E3 Environmental Management (0.62ha) to enable light industrial uses on Lot 240 DP 1098420, 240 Maitland Road, SANDGATE.

Amendment 8) amend the land acquisition map to identify land to be acquired by NSW Roads and Maritime Services for the F3 to Raymond Terrace Bypass proposed over part of Lot 1 DP 171105, Lot 56 DP 869862, Lot 11 DP 846450, Lot 1132 DP 1150197, Part Lot 115 DP 755232, Lot 51 DP 739336, Lot 51 DP 879741, Lot 2 DP 171105, Lot 104 DP 1084709, Lot 2 DP 1112109, Lot 2 DP 873320, and Lot 1132 DP 1150197. This will also require an amendment to Clause 5.1 & clause 5.1A to enable the future acquisition and development.

Note: The relevant government agencies have requested these zone changes for amendment No.3,4,6 & 8.

PP Number : **PP_2012_NEWCA_001_00** Dop File No : **12/11508**

Proposal Details

Date Planning Proposal Received :	10-Jul-2012	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 : **Various addresses as outlined above in Proposal Summary**Suburb : **LGA**City : **Newcastle**Postcode : **2300**

Land Parcel :

DoP Planning Officer Contact DetailsContact Name : **Trent Wink**Contact Number : **0249042716**Contact Email : **trent.wink@planning.nsw.gov.au****RPA Contact Details**Contact Name : **Johannes Honnef**Contact Number : **0249742893**Contact Email : **jhonef@ncc.nsw.gov.au****DoP Project Manager Contact Details**

Contact Name :

Contact Number :

Contact Email :

Land Release DataGrowth Centre : **N/A**Release Area Name : **N/A**Regional / Sub
Regional Strategy : **Lower Hunter Regional
Strategy**Consistent with Strategy : **Yes**

MDP Number :

Date of Release :

Area of Release (Ha) **1.83**
:Type of Release (eg
Residential /
Employment land) : **Employment Land**No. of Lots : **0**No. of Dwellings
(where relevant) : **0**Gross Floor Area : **0**No of Jobs Created : **30**The NSW Government **Yes**
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

The use of Schedule 1 for Amendment No.1 is supported because the existing school is zoned R2 Low Density Residential, the same as adjoining zones as recommended by Practice Note PN 10-001 Zoning for Infrastructure. The use of an alternative zone to permit the establishment of Northern NSW Football training facility and administration office is not desirable.

The use of Schedule 1 for Amendment No.2 is supported because rezoning the land to an alternative commercial zone is undesirable and could potentially permit other undesirable land uses.

The other spot rezoning and the land acquisition map updates reflect the existing and future intended land uses.

To date, all dealings with this Planning Proposal have adhered to the Lobbyist Code of Conduct.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment :

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

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

Comment :

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

2.1 Environment Protection Zones

2.2 Coastal Protection

3.1 Residential Zones

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

SEPP No 14—Coastal Wetlands

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP No 71—Coastal Protection

SEPP (Infrastructure) 2007

SEPP (Major Projects) 2005

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

N/A

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Direction 1.1 Business and Industrial Zones

The PP (Amendment No.4) rezones land from SP2 Classified Road to B5 Business Development and is inconsistent with this Direction because it is not justified by an endorsed strategy. It is recommended that the D-G approves this minor inconsistency to reflect the existing land use and to remove this zoning anomaly.

The PP (Amendment No.7) rezones part of the land from SP2 Senior Housing to IN2 Light Industrial and is inconsistent with this Direction because it is not justified by an endorsed strategy. It is recommended that the D-G approves this minor inconsistency based on Council's Industrial Lands Analysis (2005), which identifies the need for additional industrial zoned land in the Newcastle LGA.

The PP (Amendment No. 8) identifies land zoned IN3 to be acquired for the F3 to Raymond Terrace Bypass and this will reduce the total amount of potential floor space for employment uses. It is recommended that the D-G approves this minor inconsistency.

Direction 2.1 Environmental Protection Zones

The PP (Amendment No.8) identifies land zoned E2 Environmental conservation to be acquired for the F3 to Raymond Terrace Bypass and this reduces the environmental protection standards that apply to the land. It is recommended that the D-G approves this minor inconsistency because the RMS will be required to provide the necessary environmental offsets.

Direction 6.2 Reservation of Land

The PP (Amendment No.3 & 6) reduces the amount of land zoned RE1 Public Recreation. It is recommended that the D-G approves the reduction and the rezoning to SP2 Infrastructure to reflect the existing land uses.

The PP (Amendment No.4) rezones land from SP2 Classified Road to B5 Business Development and thereby reduces the amount of land reserved for public purposes. It is recommended that the D-G approves the reduction and the rezoning to B5 Business Development to remove this zoning anomaly.

The PP (Amendment No.5 & 8) updates the land acquisition maps and identifies the Wallsend Intersection works and the future F3 to Raymond Terrace Bypass. It is recommended that the D-G approves the reservation of this land for future acquisition.

Council and Roads and Maritime Services have requested these land acquisitions as the acquisition authorities.

Direction 6.3 Site Specific Provisions

The PP (Amendment No.1 & 2) is inconsistent with the Minister's S117 Direction 6.3 Site Specific Provision (4b) because it permits the development through Schedule 1 Additional Permitted Uses rather than rezoning the land. It is recommended that the Director General approves this minor inconsistency because the use of an alternative zone is undesirable.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The maps are adequate for exhibition

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Low Impact Proposal - 14 Days

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment**Principal LEP:**

Due Date : **June 2012**

Comments in relation to Principal LEP : **The Newcastle SI LEP 2012 was published on 15 June 2012**

Assessment Criteria

Need for planning proposal : **Yes. A planning proposal is required to make these LEP amendments.**

Consistency with strategic planning framework : **Yes. The proposed spot rezonings recognise the existing land uses and the amended acquisition maps identify the required land to deliver critical infrastructure.**

Amendment No.7 aims to rezone 1.83ha of land to IN2 Light Industrial. The proposed rezoning is supported by Council's unendorsed Newcastle Lands Analysis (2005) and review undertaken by Wakefield Planning in 2009. The Land Analysis identifies the need for additional industrial zoned land in the Newcastle LGA.

Environmental social economic impacts : **The PP should have positive environmental, social and economic impacts.**

Amendment No. 1 & 2 will permit the redevelopment of an existing service station and the development of a Northern NSW Football training facility.

Amendment No.7 will minimise any potential impact on the environment by rezoning the existing vegetation to E3 Environmental Management. It is recommended that Council consult the Office of Environment and Heritage to provide comments about the proposed level of environmental protection.

Amendment No.5 & 8 The identification of land for future acquisition for critical infrastructure will have positive social and economic impacts.

Assessment Process

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

Timeframe to make LEP : **12 Month** Delegation : **DG**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage
Transport for NSW - Roads and Maritime Services**

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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. :

Other - provide details below

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council Resolution Amendment No.1.pdf	Determination Document	Yes
Planning Proposals Amendment No.1 to 8.pdf	Proposal	Yes
Government Agency request for zone changes and future acquisitions.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**
- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 3.1 Residential Zones**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**

Additional Information : **It is recommended that:**

1. The Planning Proposal be supported.

2. Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 ('EP&A' Act) as follows:

(a) the Planning Proposal be made publicly available for 14 days;

(b) the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 4.5 of A guide to preparing LEPs (Department for Planning 2009)

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

- Office of Environment and Heritage about the proposed rezoning at 240 Maitland Road, Sandgate.

- Roads & Maritime Services about the proposed rezoning at 240 Maitland Road, Sandgate

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. The Director General (or delegate) approves the reduction of land zoned RE1 Public Recreation, SP2 Classified Road and the reservation of land for future acquisition under the Minister's S117 Direction 6.1 Reserving Land for Public Purposes.

5. The Director General (or delegate) approves the minor inconsistencies with the Minister's S117 Direction 1.1 Business and Industrial Zones and Direction 2.1 Environmental Protection Zones based on Council's unendorsed Industrial Lands Analysis (2005) and on the net community benefit of identifying land for future acquisition for the F3 to Raymond Terrace Bypass.

6. The Director General (or delegate) approve the minor inconsistency with the Minister's S117 Direction 6.3 Site Specific Provision (4b) to allow the use of Schedule 1 to permit the proposed developments instead of rezoning the land.

7. 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.

8. The timeframe for completing the LEP is 12 months from the date of the Gateway Determination.

Supporting Reasons :

The use of Schedule 1 for Amendment No.1 & No.2 is supported because rezoning the land to an alternative commercial zone is undesirable and could potentially permit other undesirable land uses.

The other spot rezoning and the land acquisition map updates reflect the existing and future intended land uses.

Amendment No.7 aims to rezone 1.83ha of land to IN2 Light Industrial. The proposed rezoning is supported by Council unendorsed Newcastle Lands Analysis (2005) and review undertaken by Wakefield Planning in 2009. The Land analysis identifies the need for additional industrial zoned land in the Newcastle LGA. The existing vegetation on site will be zoned E3 Environmental Management. It is recommended that Council consult the Office of Environment and Heritage to provide comments about the proposed level of environmental protection.

Signature:



Printed Name:

Monica Gibson

Date:

20 July 2012