

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**

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 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.

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.

Panel Recommendation

Recommendation Date : 26-Jul-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council's proposed provision to include 'service station' as an additional permitted uses on land in Lambton is not supported and should be removed from the planning proposal. Council is to consider zoning the site appropriately to reflect the intended land use. If a suitable alternative zone is identified, Council is to amend this planning proposal to reflect that approach prior to proceeding to public exhibition.

2. 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 2009) and must be made publicly available for 14 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

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

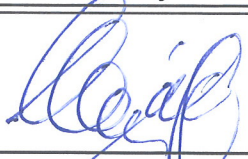
- Office of Environment and Heritage
- Transport for NSW
- Roads and Maritime Services
- NSW Rural Fire Service

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. 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 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Neil McGaffin

Date:

1.8.12