

Planning Proposal PP2012/01 - Amendment to Newcastle Local Environmental Plan 2012

Including:

- rezone land at **240 Maitland Road SANDGATE** (Part Lot 240 DP 1098420) from SP2 Seniors Housing to IN2 Light Industrial
- rezone land at **108 Maitland Road, SANDGATE** from RE1 Public Recreation to SP2 Cemetery
- rezone land at **81 Coorumbung Road BROADMEADOW** from RE1 Public Recreation to SP2 Special Use Railway
- rezone land at **22 and 34 Griffiths Road LAMBTON** and **9 Crescent Road WARATAH** from SP2 Classified Road to B5 Business Development
- amend schedule 1 of the Newcastle Local Environmental Plan 2011 to include 'service station' as an additional use on **422-426 Newcastle Road, LAMBTON**
- amend schedule 1 to include 'Office, and Recreation Facility (Outdoor)' as additional uses on **80 Macquarie Street, WALLSEND**
- amend the Land Reservation Acquisition maps to reflect revised road widening at **Longworth Avenue and Cowper Street WALLSEND**
- amend the Land Reservation Acquisition maps to reflect the designated route for the **F3 Freeway to RAYMOND TERRACE Upgrade**

Prepared by Newcastle City Council
26 June 2012

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PP2012/01.01: 240 Maitland Road SANDGATE

Summary of Proposal

Proposal	To rezone part of the site from SP2 Seniors Housing to part IN2 Light Industrial and part E3 Environmental Management to allow for light industrial uses and management of flood lands.
Property Details	Part 240 Maitland Road, Sandgate (Part Lot 240 DP 1098420)
Applicant Details	Garry Fielding City Plan Services Suite 2 Ground Floor 14 Watt St, Newcastle NSW 2300
Land owner	Trustees of the Roman Catholic Church for the Diocese of Maitland- Newcastle

Background

The Newcastle Council Local Environmental Plan 2012 was prepared as a means of converting Newcastle LEP 2003 into the correct format of the standard instrument.

Under the 2003 LEP the site was zoned 5(a) Special Uses – Nursing Home, which was converted to SP2 Seniors Living under the Newcastle LEP 2012.

Part of the subject land contains a seniors living facility with various accommodation types and a range in level of care provided. The remainder of the site is vacant and surplus to the need of the seniors living facility.

The land owners have requested Council to amend Newcastle Local Environmental Plan 2012 to allow the surplus part of the subject site to be rezoned to IN2 Light Industrial. This would allow the land to be subdivided, sold, and then developed (for light industrial uses).

Site

The subject site is described as part Lot 240 DP 1098420 and has an area of 2.197 hectares. The location of the site is shown in **Figure 1**.

Most of the site is slightly sloping towards Maitland Road to the east. This portion of the site fronts Maitland Road and is separated from the existing residential care facility (on the north-western portion of the site) by an internal access road.

The south-eastern portion of the site (the subject site) is vacant. It is mostly cleared but contains some vegetation along the northern and eastern boundaries. Refer to **Figure 2** for an aerial photo of the site.

An identified 'floodway' from the Hunter River also follows this vegetation. This portion of the site is shown in **Figure 3** Land Zoning Map as zoned 'E3 Environmental Management'.

Internal Consultation

The proposal was considered by Council's LEP Amendment Advisory Panel on 29 February 2012. The panel consists of Council's technical experts including representatives from compliance, development and building and strategic planning. The comments made by the Panel were incorporated into this planning proposal.



Newcastle Local Environmental Plan 2012

Location Map

Cadastre

Suburb boundary

240 Maitland Road, Sandgate

NORTH

Projection GDA 1994
Zone 56

0 1 2
Kilometre

Scale 1:50,000 @ A4

Map identification number:

FIGURE 1





Newcastle Local Environmental Plan 2012

Aerial Photograph

Cadastre

Cadastre base data 01/08/2007 © LPMA
Addendum data 20/11/2012 © Newcastle City Council

 Proposed Zoning boundary


NORTH

Projection GDA 1994
Zone 56

0 100 200
Metres

Scale 1:5000 @ A4

Map identification number:

5900_COM_LZN_001D_020_20120517

FIGURE 2



Part 1 - Objectives or Intended Outcomes

To enable the development of light industrial uses over part of 240 Maitland Road, Sandgate (part lot 240 DP 1098420).

Part 2 - Explanation of Provisions

The objectives or intended outcomes are to be achieved through an:

- Amendment of the Newcastle Local Environmental Plan 2012 Land Zoning Map to rezone part of the site from SP2 Seniors Living to part IN2 Light Industrial and part E3 Environmental Management as shown on the proposed zoning map in **Figure 3**.
- Amendment of the Newcastle Local Environmental Plan 2012 Minimum Lot Size Map to 1000 square metres as shown on the proposed minimum lot size map in **Figure 4**.



Newcastle Local Environmental Plan 2012

Proposed Land Zoning Map

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
- IN2 General Industrial
- IN3 Light Industrial
- IN4 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

Cadastre

- Cadastre base data 01/08/2007 © LPMA
- Addendum data 20/11/2012 © Newcastle City Council



Projection GDA 1994
Zone 56

Scale 1:5000 @ A4

Map identification number:

5900_COM_LZN_001D_020_20120517

FIGURE 3



Lot Size Map - Sheet LSZ_001D

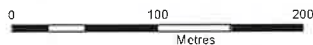
Minimum Lot Size (sq m)

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 20/11/2011 © Newcastle City Council

NORTH



Projection GDA 1994
Zone 56

Scale 1:5000 @ A4

Map identification number:

5900_COM_LSZ_001D_005_20120517

FIGURE 4



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 direct result of any strategic study or report.

However the planning proposal is consistent with the recommendations of the Newcastle Industrial Lands Analysis (2005) and the review and update of this analysis by Wakefield Planning in 2009.

The study identified the need for additional industrial zoned land in the future, given much of the land zoned for industrial purposes within the City of Newcastle local government area is constrained by such things as flooding, contamination, heritage, and small lot sizes.

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

The subject site is currently zoned SP2 Seniors Housing under Newcastle LEP 2012. Part of the subject land contains a seniors living facility with a range of accommodation and level of care. The remainder of the site is vacant and surplus to the needs of the seniors living facility.

Hence the landowner has requested Council to rezone this portion of the site to a light industrial zoning in order to dispose of the land. A light industrial zoning was considered the most appropriate zoning for the location, given the industrial uses adjoining the site.

The proposed amendment to the LEP 2012 is the best way to allow for such a change in land use.

3. Is there a net community benefit?

The following table has been prepared to assist with assessing the net community benefit of the planning proposal with reference to the format set out in the Department of Planning and Infrastructure's Draft Centres Policy.

Table 1: Net community Benefit, Draft Centres Policy

Evaluation Criteria	Evaluation	Benefit
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800m of a transit node)?	The proposal is consistent with the Lower Hunter Regional Strategy 2006 which identifies the subject site as 'employment land'. Employment lands defined as: factories, warehouses, manufacturing, or major storage operations with some associated offices. As mentioned in the strategy additional lands are needed to be rezoned to allow for an additional 66 000 jobs in the lower hunter by 2031 to support growth. The proposal is also consistent with the Newcastle industrial Lands Analysis (2009 review). The Lower Hunter Regional Strategy and Employment Lands Strategy both highlight the need for diversity in lands available in respect to size, range of services and location in order to attract different employment generating businesses.	Positive
Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?	It is unlikely the proposal will create a precedent or create or change the expectations of the landowner or other landholders due to the sites proximity to nearby industrial lands and general amenity – noise impacts from Maitland Road currently exist. The land is best suited to an industrial use due these reasons.	Neutral

Evaluation Criteria	Evaluation	Benefit
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The subject site is expected to generate future employment opportunities and will result in additional suitable light industrial land within the Newcastle local government area.	Positive
Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The site has road connections to the surrounding area via the New England Highway, the Pacific Highway, and the F3 Freeway all located within 10km of the site. The site is currently provided with access to Maitland Road (Pacific Highway), which is a classified road under control of the Roads and Maritime Services. The proposal needs to consider the resulting increase in traffic and the potential impacts on the operation of the traffic signals in Maitland Road for both the north and south bound carriageways. The Roads and Maritime Services have provided 'in principle approval' to the proposal, however, further consultation will occur upon receipt of a favourable gateway determination and also for any future development proposals for the site.	Neutral

Evaluation Criteria	Evaluation	Benefit
Will the proposal result in changes to the car distances travelled by customers, employees, and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	Given the proximity of the site to existing industrial development it is anticipated that potential light industrial uses will support existing industrial development. The creation of light industrial development will increase vehicle movement to and from the site however advantages of locating industrial development on the subject site include being located in the vicinity of existing general industrial land uses, existing access to road networks, economies of scale and other efficiencies in co-locating industrial/ employment development and supporting activities in one location.	Not applicable
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	There are no known government investments in infrastructure or services in the area that will be affected by the proposal.	Not applicable

Evaluation Criteria	Evaluation	Benefit
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	The subject site is in proximity to the Watagan to Stockton and Wallarah Green Corridor to lands identified in the Lower Hunter Regional Strategy as, due to the lands conservation values. Although it is unlikely that the proposal will have any direct impact on these lands, this will be ensured through the assessment of any future development application. Part of the site is classified as a floodway for Hunter River flooding. Section 4.01 Flood Management of the Newcastle Development Control Plan 2012, does not support development within a floodway. Hence this part of the site is proposed to be zoned E3 Environmental Management Potential constraints and other related issues are discussed further in Section C.	Neutral

Evaluation Criteria	Evaluation	Benefit
Will the LEP be compatible/ complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	An amendment to the LEP to allow light industrial uses would complement existing industrial uses to the south of the site. Given the existing character of the area which is primarily industrial and environmental the amenity of the area will not be adversely impacted upon by the proposed land use. Measures to maintain an appropriate level of amenity in the immediate area of the subject site will be explored in more detail if the planning proposal progresses but could include the incorporation of appropriate vegetated buffers between the site and the adjacent residential care facility and appropriately designed development. Existing housing on the eastern side of Maitland Road will not be adversely impacted as this is separated from the site by Maitland Road (the Pacific Highway). Maitland Road is a busy road and the site and surrounding lands are already impacted by high levels of traffic noise.	Neutral
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposed zoning will not permit commercial premises and only allows for the following retail premises: takeaway food and drink premises; hardware and building supplies; kiosks; landscape material supplies; plant nurseries; neighbourhood shops; timber yards; and vehicle sales or hire premises. If such uses are proposed in the future, they are likely to contribute to the choice and competition of such uses available in the area.	Neutral

Evaluation Criteria	Evaluation	Benefit
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The proposed light industrial area will provide additional employment land within the Sandgate area and generate additional employment opportunities for the wider Newcastle community. If the planning proposal does not proceed the potential of the land to provide additional employment opportunities will not be realised.	Neutral

Section B - Relationship to strategic planning framework.

4. 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)?

The proposal is consistent with the Lower Hunter Regional Strategy 2006-31 as the subject lands are identified as "employment land" which includes activities such as factories, warehouses, manufacturing, or major storage operations with some associated offices. These uses are consistent with the proposed Light Industrial zone. As identified within the strategy additional lands are needed to be rezoned to allow for an additional 66 000 jobs in the lower hunter by 2031 to support population growth. The Lower Hunter Regional Strategy also highlights the need for diversity in industrial lands available in respect to size, range of services and location in order to attract different employment generating businesses.

5. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

The proposal is consistent with the Newcastle Community Strategic Plan 2011 which aims to create a liveable and sustainable city where new residents are welcome. More employment opportunities will encourage new residents to the region and encourage economic growth. The proposal is also consistent with the Newcastle Urban Strategy (update 2009). The strategy states that "small scale manufacturing businesses, other light industry and commercial developments should be located appropriately on arterial roads providing a compatible use transition from industrial, road and rail environments to more sensitive, predominantly residential neighbourhoods."

6. Is the planning proposal consistent with applicable state environmental planning policies?

The following outlines Council's consideration of State Environmental Planning Policies (SEPPs) in relation to the planning proposal:

Table 2: Consideration of State Environmental Planning Policies

	Applicable	Consistent	Justification
SEPP (Infrastructure) 2007	No		
SEPP (Temporary Structures) 2007	No		
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	No		
SEPP (Major Development) 2005	No		
SEPP (Building Sustainability Index: BASIX) 2004	No		
SEPP (Housing for Seniors or People with a Disability) 2004	No		
SEPP No. 71 - Coastal Protection	Yes	Yes	The site is affected by SEPP 71 – coastal zone but it is not within a 'sensitive coastal location'.
SEPP No. 65 - Design Quality of Residential Flat Development	No		
SEPP No. 64 - Advertising and Signage	No		
SEPP No. 62 - Sustainable Aquaculture	No		
SEPP No. 55 - Remediation of Land	No		
SEPP No. 50 - Canal Estates	No		
SEPP No. 44 - Koala Habitat Protection	Yes	Yes	There are no known records of koalas on the site. The land subject to the proposed IN2 Light Industrial zoning is cleared and hence unlikely to have habitat value to Koalas. However, Council will request preparation of a flora and fauna survey to establish

	Applicable	Consistent	Justification
			biodiversity values, if requested as part of the Gateway determination.
SEPP No. 36 - Manufactured Home Estates	No		
SEPP No. 21 - Caravan Parks	No		
SEPP No. 33 - Hazardous and Offensive Development	No		
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	No		
SEPP No. 30 - Intensive Agriculture	No		
SEPP No. 22 - Shops and Commercial Premises	No		
SEPP No. 14 - Coastal Wetlands	No		The Hexham Swamp is within 1km of the site but is not likely to be directly impacted upon by development of the land.
SEPP No. 6 - Number of Storeys in a Building	No		
State Environmental Planning Policy (Urban Renewal) 2010	No		
SEPP (Affordable Rental Housing) 2009	No		
SEPP (Major Development) Three Ports	No		
SEPP (Major Development) Tomogo Industrial site 2005	No		
SEPP (State and Regional Development) 2011	No		

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Section 117 Directions relevant to this planning proposal are addressed in the table below:

Table 3: Consistency with Section 117 Directions

Summary of s.117 Direction	Consistency
1.1 Business and Industrial Zones	Yes the proposal is consistent to this direction.
2.1 Environment Protection Zones	Should the planning proposal proceed, Council requests a flora and fauna survey be prepared to establish biodiversity values.
2.2 Coastal Protection	The site is located within the coastal zone Yes the proposal is consistent to this direction.
3.4 Integrating Land Use and Transport	Yes the proposal is consistent to this direction.
4.1 Acid Sulfate Soils	Yes. According to the Newcastle LEP 2012 the site is defined as Class 5, which is the lowest risk category.
4.3 Flood Prone Land	Yes. Lands to be rezoned to IN2 Light Industrial include areas not affected by the floodway. Land within the floodway is proposed to be rezoned to E3 Environmental Management.
4.4 Planning for Bushfire Protection	Yes. The portion of the site affected by bushfire is not where the rezoning is proposed. Appropriate protection zones are to be determined.
5.1 Implementation of Regional Strategies	Yes the proposal is consistent to this direction.
6.1 Approval and Referral Requirements	Yes the proposal is consistent to this direction.
6.3 Site Specific Provisions	Yes the proposal is consistent to this direction.

Section C - Environmental, social, and economic impact

8. 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 regional Stockton Bight to Watagans Green Corridor is located within 1km of the subject site and includes Hexham Swamp Nature Reserve, which is classified as a SEPP 14 wetland. The site falls outside of the SEPP14 Coastal wetlands boundary. However, stormwater runoff from any future development will need to be managed carefully.

The site is within the coastal zone but is not listed as a sensitive coastal location.

The Hunter Central Coast Regional Environmental Management Strategy (2003) has mapped vegetation in the vicinity as Coastal Foothills Spotted Gum – Ironbark Forest. Seventeen threatened species have been recorded within 1km of the site.

A survey for flora and fauna is recommended to be undertaken as the planning proposal progresses in order to establish biodiversity values. However, the fragmented nature of the vegetation on site, area and edge effect impact, greatly diminish values.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No other significant environmental effects were identified in the preparation of this draft planning proposal. However, further assessment may be identified as a result of consulting with State agencies or when a specific development application is prepared in the future.

Bushfire

The Bush Fire Prone Land Mapping shows that the north and north-western portion of Lot 204 is affected by bushfire. A bushfire hazard assessment will be prepared as required to determine Asset Protection Zones for future industrial development. It is noted that any future development on the site will need to comply with the provisions of *Planning for Bushfire Protection 2006*.

Visual, Acoustic and Vibration Impacts

When viewed from Maitland Road, the subject site presents as vacant land screened by existing vegetation. Glimpses of the existing residential care facility can also be seen. Any future development of the subject site would result in changes to the existing visual landscape and how the site is viewed from Maitland Road and within the immediate area. The visual appearance of proposed development will be considered at the Development Assessment stage with appropriate measures implemented to soften and improve the visual landscape from the public domain.

The site is located along a Maitland Road (the Pacific Highway) which is a high traffic road affected by vehicle noise. Given the existing situation, development on the site would screen the existing residential care facility from the road, potentially reducing traffic noise impacts on the facility. However, potential noise impacts may arise from the operation of businesses on the site.

During the Development proposal design stage, appropriate measures can be incorporated to minimise noise impacts associated with the site's development. The potential impacts from vibration would also be assessed at the Development Assessment stage, and mitigation measure implemented if required

Aboriginal and non-indigenous cultural heritage Issues

There are no known items or places of Aboriginal or non-indigenous heritage significance associated with the site. If during site works a potential artefact is unearthed, then works will cease and appropriate guidance be sought from the relevant government departments to ensure that the artefact is appropriately protected.

Traffic and Access Impacts

There is likely to be an increase in traffic movements to and from the site, should light industrial development occur as a result of the proposed rezoning. The Roads and Maritime Services have provided in principle approval to the rezoning but have requested to make further comment on any future development application for the site.

Air Quality

Currently, air quality within the subject site is affected by existing industrial activities adjoining the site and vehicle movements along Maitland Road. Given existing development within the immediate area and existing air quality conditions, the proposed light industrial development is not considered likely to restrict further development on the subject land or within the area, generally. Appropriate mitigation measures, such as air quality monitoring, can be put in place if required. These requirements can be considered at the Development Assessment stage.

Surface Water and Stormwater Management Issues

If the Planning Proposal progresses, additional studies will be undertaken with regard to stormwater and surface water management on the site to ensure that proposed development does not have any detrimental impacts upon the quality of receiving waters. It is anticipated that stormwater will be managed onsite and released to Council's existing stormwater infrastructure. The details of this will be dependant on the scale and use of future development and can be addressed at the design stage.

10. How has the planning proposal adequately addressed any social and economic effects?

Potential Social Effects

The proposed light industrial development of the site is likely to result in the creation of additional jobs which will have positive flow-on social and economic effects for the local community, as discussed in the following Section. It is also likely to have beneficial outcomes with regard to increased convenience and economies of scale for users of the development, through the co-location of many related industries or businesses.

There are not likely to be any significant detrimental social impacts on existing residents of the aged care facility as a result of the development of the site, as appropriate measures will be implemented to reduce development impacts on traffic and amenity. Overall, the proposal is anticipated to have a net positive impact on the local community. A buffer between the aged care facility and the proposed development will need to be considered at the Development Assessment stage to ensure noise levels are not significantly increased.

Potential Economic Impacts

The potential light industrial development is likely to result in the creation of a number of industrial sector jobs (casual, part-time, and full-time positions). Further, the addition of new workers to the area is likely to result in a greater patronage of nearby services resulting in beneficial economic flow-on effects to the wider community.

Section D - State and Commonwealth interests

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

The subject site can be accessed from Maitland Road, via Old Maitland Road. Roads and Maritime Services have provided 'in principle approval' for the proposal but require any future DA to be referred to them.

A detailed assessment of the capacity of infrastructure available to the site has not yet been undertaken in relation to proposed light industrial development. However, essential services (i.e. sewer, water, and electricity) are available to the site. The applicant is aware that augmentation of existing services may be required to facilitate any new connections.

More detailed investigations and consultation with relevant authorities can be undertaken if the Planning proposal progresses.

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

The Gateway determination will provide direction for the proponents and the City of Newcastle Council on which of the government agencies are specifically required to be consulted with in respect of this proposal.

Part 4 – Community Consultation

Council recommends that the planning proposal be exhibited in accordance with the requirements of Section 57 of the EP&A Act 1979.

Pursuant to the Department of Planning and Infrastructure's guidelines, '*A guide to preparing a local environmental plans*', the proposed amendment is considered to be a low impact proposal as it is:

- consistent with the pattern of surrounding land use zones and/or land uses;
- consistent with the strategic planning framework;
- presents no issues with regard to infrastructure servicing;
- not a principal LEP; and
- does not reclassify public land.

Low impact proposals are generally placed on public exhibition for a period of 14 days. However the required timeframe will be confirmed at the Gateway Determination.

PP2012/01.02: 108 Maitland Road SANDGATE

Summary of Proposal

Proposal	To rezone the subject sites form RE1 Public Recreation to SP2 Cemetery
Property Details	108 Maitland Road, Sandgate Lot 1 DP 1124032 and Lot 2915 DP 755247
Applicant Details	Land and Property Management Authority
Land owner	Newcastle City Council Sandgate Cemetery Trust

Background

The Newcastle Council Local Environmental Plan 2012 was prepared as a means of converting Newcastle LEP 2003 into the correct format of the standard instrument.

Council received a submission from the Land and Property Management Authority during the exhibition of the draft Newcastle LEP in 2010 requesting the zoning of the subject sites be amended to SP2 Cemetery, consistent with the adjoining properties and current and intended future use of the site.

Site

The proposal consists of two lots which are zoned RE1 Public Recreation. The subject land is not used as public recreation and it is intended the sites be used for cemetery related uses as the sites are owned by the Sandgate Cemetery Trust.

Internal consultation

The proposal was presented to Councils LEP Advisory Panel on 29 February 2012. The panel consists of technical experts from within Council including representatives from Compliance, Development and Building, and Strategic Planning. The comments from the panel have been incorporated into this planning proposal.

Figure 1: Aerial view of the subject site



Part 1 - Objectives or Intended Outcomes

The intended outcome of the planning proposal is to amend the land zoning maps to reflect the current and intended uses on the subject sites.

Part 2 - Explanation of Provisions

The objectives or intended outcomes are to be achieved through an:

- Amendment to Council Land Zoning maps to show 108 Maitland Road, also known as Lot 1 DP 1124032 and Lot 2915 DP 755247 as SP2 Cemetery (see **Figure 2**).
- Amendment to Council Lot Size map to show 108 Maitland Road, also known as Lot 1 DP 1124032 and Lot 2915 DP 7558247 to have no minimum lot size (see **Figure 3**).

Figure 2: Proposed amendment to zoning of the site

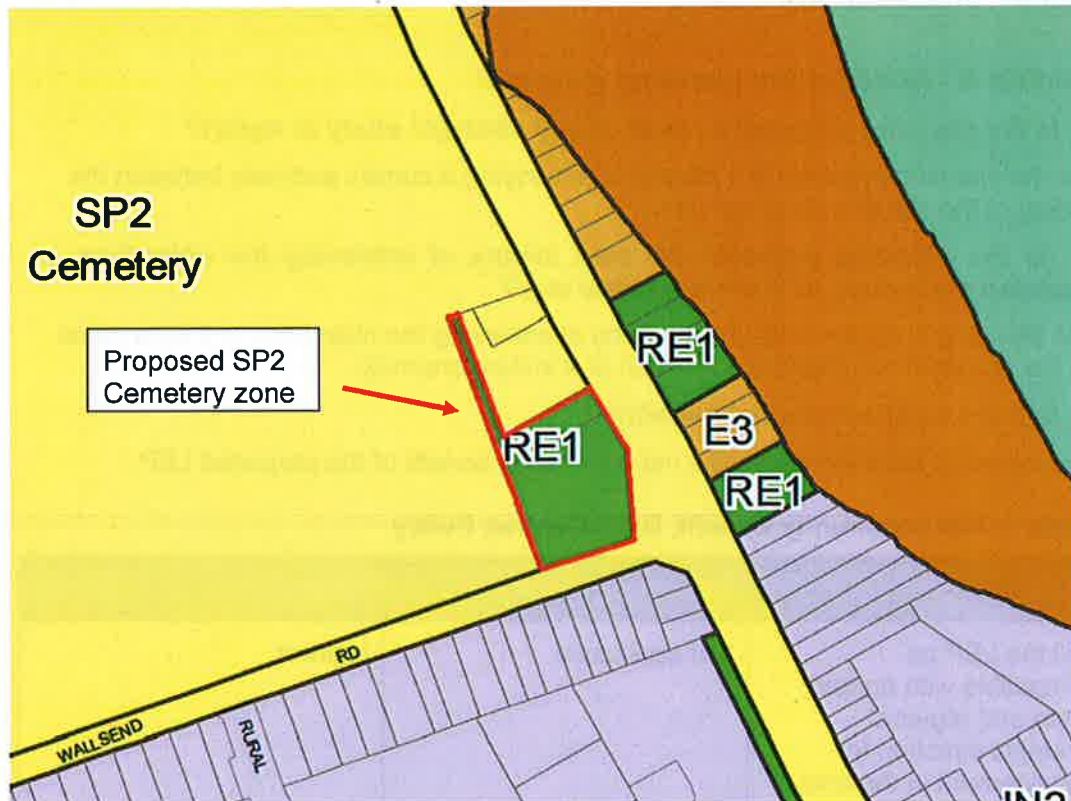


Figure 3: Proposed amendment to Minimum Lot size of the site



Part 3 – Justification

Section A - Need for the planning proposal

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

No, the planning proposal is a means of remedying a current anomaly between the zoning of the site and its actual use.

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

The planning proposal is the best means of achieving the objectives of the proposal as the proposal requires the correction of a zoning anomaly.

3. Is there a net community benefit?

The following table examines the net community benefit of the proposed LEP.

Table 1: Net community Benefit, Draft Centres Policy

Evaluation Criteria	Evaluation	Benefit
Will the LEP be compatible with agreed State and regional strategic direction for development in the area?	Not applicable	Neutral
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The applicable regional strategy is the Lower Hunter Regional Strategy. There are no relevant objectives in the strategy.	Neutral
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	The LEP is unlikely to create a precedent as the proposal is correcting an anomaly.	Neutral
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations	There is no other spot rezoning proposed in the area.	Neutral
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No – this proposal does not affect employment land.	Neutral

Evaluation Criteria	Evaluation	Benefit
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	No- this proposal does not impact on residential land.	Neutral
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The proposal will not increase demand on public infrastructure. The proposal is considered acceptable.	Neutral
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The proposal will not have any affect on car distance travelled by visitors to the site.	Neutral
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	The proposal will not significantly impact on Government investments. The site consists of a State owned cemetery.	Neutral
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	The subject site is located within the area covered by the NSW Coastal Policy. The proposal is considered acceptable. Please refer to table 2 for more information.	Neutral

Evaluation Criteria	Evaluation	Benefit
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve	The proposal is consistent with surrounding land zones.	Neutral
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposal will not impact on commercial and business zones.	Neutral
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	Not applicable, the proposal does not impact on commercial and business zones.	Neutral
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The proposal will provide clarity to the community of its intended future use of the land. Not proceeding with the proposal will result in subject sites continuing to be inappropriately zoned.	Neutral

Section B - Relationship to strategic planning framework

4. 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)?

The applicable regional strategy is the Lower Hunter Regional Strategy. There are no relevant objectives in the strategy.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The proposal is consistent with the Newcastle Urban Strategy and Community Strategic Plan. There are no specific objectives relating to the proposal.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The proposal is consistent with the applicable State Environmental Planning Policies, as shown in **Table 2**.

Table 2: Consideration of State Environmental Planning Policies

	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy No 1—Development Standards	No		
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	No		
State Environmental Planning Policy No 6—Number of Storeys in a Building	No		
State Environmental Planning Policy No 14—Coastal Wetlands	No		
State Environmental Planning Policy No 15—Rural Landsharing Communities	No		
State Environmental Planning Policy No 19—Bushland in Urban Areas	No		
State Environmental Planning Policy No 21—Caravan Parks	No		
State Environmental Planning Policy No 22—Shops and Commercial Premises	No		
State Environmental Planning Policy No 26—Littoral Rainforests	No		
State Environmental Planning Policy No 29—Western Sydney Recreation Area	No		
State Environmental Planning Policy No 30—Intensive Agriculture	No		
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	No		
State Environmental Planning Policy No 33—Hazardous and Offensive Development	No		

	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy No 36—Manufactured Home Estates	No		
State Environmental Planning Policy No 39—Spit Island Bird Habitat	No		
State Environmental Planning Policy No 41—Casino Entertainment Complex	No		
State Environmental Planning Policy No 44—Koala Habitat Protection	Yes	Yes	The site is cleared. There are no recorded sightings of koalas on the site.
State Environmental Planning Policy No 47—Moore Park Showground	No		
State Environmental Planning Policy No 50—Canal Estate Development	No		
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	No		
State Environmental Planning Policy No 53—Metropolitan Residential Development	No		
State Environmental Planning Policy No 55—Remediation of Land	No		
State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area	No		
State Environmental Planning Policy No 60—Exempt and Complying Development	No		
State Environmental Planning Policy No 62—Sustainable Aquaculture	No		

	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy No 64—Advertising and Signage	No		
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	No		
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	No		
State Environmental Planning Policy No 71—Coastal Protection	Yes	Yes	
State Environmental Planning Policy (Affordable Rental Housing) 2009	No		
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No		
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No		
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	No		
State Environmental Planning Policy (Infrastructure) 2007	No		
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	No		

	Applicable	Consistent	Reason for inconsistency
Centres) 2006			
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		

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal is consistent with the applicable S117 Directions, see table 3.

Table 3: Consideration of S117 Directions

	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	

	Applicable	Consistent
2.2 Coastal Protection	Yes	The proposal is consistent with the Coastal Policy. The proposal is also consistent with the relevant provisions in the Coastal Design Guidelines and section 733 of the Local Government Act 1993.
2.3 Heritage Conservation	No	
2.4 Recreation Vehicle Areas	No	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	No	
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	No	
3.4 Integrating Land Use and Transport	No	
3.5 Development Near Licensed Aerodromes	No	
3.6 Shooting Ranges	No	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	The site has class 4 Acid Sulfate soils. It is considered that an acid sulfate soils study could be provided when a development application is lodged. The proposal is considered acceptable.
4.2 Mine Subsidence and Unstable Land	No	

	Applicable	Consistent
4.3 Flood Prone Land	No	
4.4 Planning for Bushfire Protection	No	
5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	As stated in Section B-Relationship to Strategic Planning Framework the proposal is consistent with the Lower Hunter Regional Strategy.
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)	Revoked	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Revoked	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Revoked	
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	Yes.	The proposal will not result in a loss of land for public purposes given it will continue to be used as part of the existing Cemetery.

	Applicable	Consistent
6.3 Site Specific Provisions	No	
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	No	

Section C - Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is currently vacant and cleared of significant vegetation. Council does not have information to suggest that the site contain critical habitat or threatened species. It is unlikely that critical habitat or threatened species, populations or ecological communities or their habitat will be adversely affected by the proposal.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The site is affected by the following environmental constraints:

Coastal Management

The site is located in the area covered by the NSW Coastal Policy. However the proposal will not result in a change of use or intensification of existing use and is therefore unlikely to have any physical effect on the land.

Acid sulfate soils

The site is identified as having class 4 acid sulfate soils.

An acid sulfate soils assessment may be required should any future development be proposed on the land. The level of assessment would depend on the nature of the proposed works.

10. How has the planning proposal adequately addressed any social and economic effects?

The proposal has adequately addressed social and economic effects. There are no heritage items on the subject sites however there are three heritage items nearby. The Sandgate Cemetery (item no. 1516), Sandgate Cemetery Railway Spur (item no 1517) and Sandgate Cemetery Office (item no. 1518) are on adjoining parcels of land. The proposal is not expected to impact on the heritage items.

Section D - State and Commonwealth interests

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

Yes, existing infrastructure is adequate to meet the needs of the proposal.

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

This section is to be completed in more detail following consultation with the State and Commonwealth Authorities as identified in the Gateway Determination.

Part 4 – Community Consultation

Council recommends that the planning proposal be exhibited in accordance with the requirements of Section 57 of the EP&A Act 1979.

Pursuant to the Department of Planning and Infrastructure's guidelines, '*A guide to preparing a local environmental plans*', the proposed amendment is considered to be a low impact proposal as it is:

- consistent with the pattern of surrounding land use zones and/or land uses;
- consistent with the strategic planning framework;
- presents no issues with regard to infrastructure servicing;
- not a principal LEP; and
- does not reclassify public land.

Low impact proposals are generally placed on public exhibition for a period of 14 days. However the required timeframe will be confirmed at the Gateway Determination.

PP2012/01.03: 81 Coorumbung Road Broadmeadow

Summary of Proposal

Proposal	To rezone the land from RE1 Public Recreation to SP2 Infrastructure Railway
Property Details	81 Coorumbung Road Broadmeadow Lot 3 DP 1006358
Applicant Details	Rail Corporation New South Wales
Land owner	Rail Corporation New South Wales

Background

The Newcastle Council Local Environmental Plan 2012 was prepared as a means of converting Newcastle LEP 2003 into the correct format of the standard instrument.

Council received a submission from the Rail Corporation NSW during the exhibition of the draft Newcastle LEP requesting that the zoning of the subject site be amended from RE1 Public Recreation to SP2 Infrastructure. The Rail Corporation have advised that the site is owned and used by Rail Corporation for railway purposes.

Site

The proposal consists of one lot which is approximately 4,146m². The land to the north is zoned IN2 Infrastructure and contains the railway line, the land to the south-west is vacant and is zoned RE1 Public recreation and the adjoining land on the east and south is zoned R3 Medium Density Residential. The site currently contains two railway sheds.

Internal consultation

The proposal was presented to Councils LEP Advisory Panel on 29 February 2012. The panel consists of technical experts from within Council including representatives from Compliance, Development and Building, and Strategic Planning. The comments from the panel have been incorporated into this planning proposal.

Figure 1: Aerial Photo of Subject Land



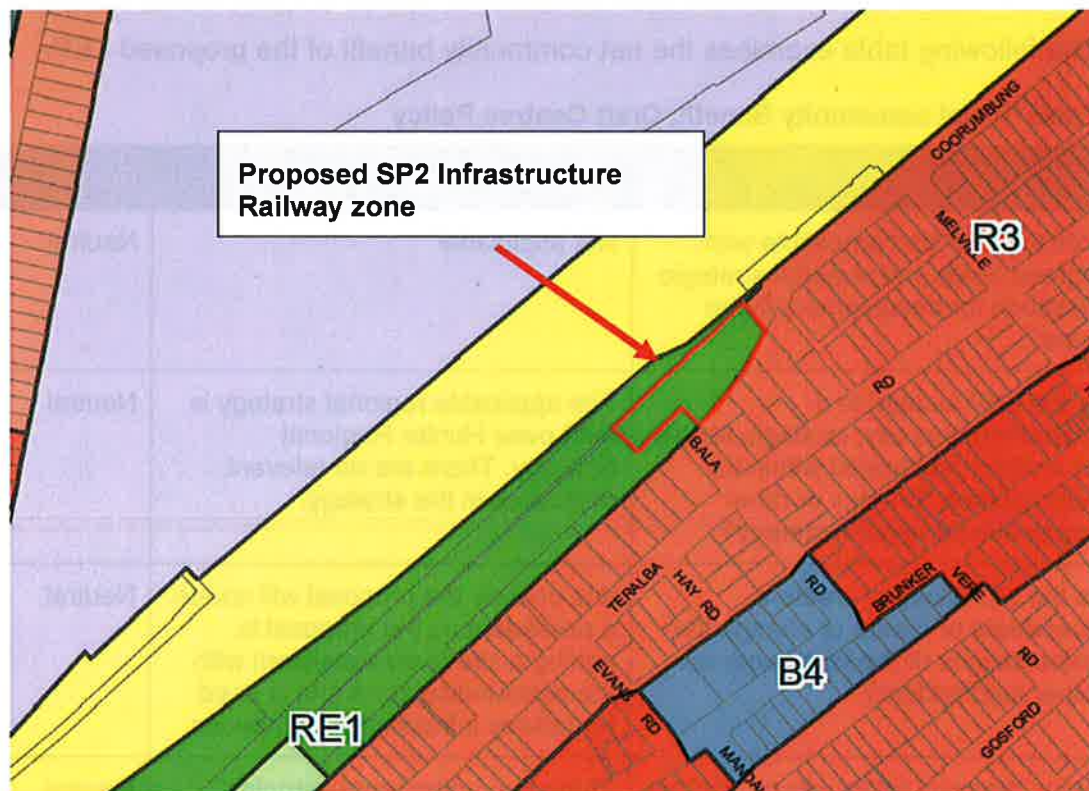
Part 1 - Objectives or Intended Outcomes

To ensure the zoning of the subject site reflects the current railway infrastructure use.

Part 2 - Explanation of Provisions

The objectives of the proposal will be achieved through an amendment to Newcastle LEP 2012 Land Zoning map to rezone 81 Coorumbung Road Broadmeadow (Lot 3 DP 1006358) from RE1 Public Recreation to SP2 Infrastructure Railway (see Figure 2).

Figure 2: Proposed zoning of Subject Land



Part 3 – Justification

Section A - Need for the planning proposal

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

No, the planning proposal is not the result of a strategic study or report. The proposal is to correct an anomaly which was noted up during the exhibition of the draft Newcastle LEP 2012. The site is currently being used as workshops related to the upkeep of rail infrastructure. The site has been used for these purposes for over twenty years.

The proposal will result in the zoning reflecting the current use on site.

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

Yes, the planning proposal is the best way of achieving the objectives of the proposal. The proposal is consistent with the surrounding railway land which is also zoned SP2 Infrastructure. The current development on site meets the objectives of the SP2 zone to provide for infrastructure.

The adjoining vacant land to the Southwest of the site is Crown Land and is used for passive recreational purposes. This land will remain RE1 Public Recreation and is not affected by this proposal.

3. Is there a net community benefit?

The following table examines the net community benefit of the proposed LEP.

Table 1: Net community Benefit, Draft Centres Policy

Evaluation Criteria	Evaluation	Benefit
Will the LEP be compatible with agreed State and regional strategic direction for development in the area?	Not applicable	Neutral
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The applicable regional strategy is the Lower Hunter Regional Strategy. There are no relevant objectives in the strategy.	Neutral
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	It is unlikely the proposal will create a precedent as the proposal is zoning a site to be consistent with the surrounding zone and is used for railway infrastructure purposes.	Neutral
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations	There is no other spot rezoning proposed in the area.	Neutral
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No, the proposal will not impact on employment as the site will continue to be used for activities related to the upkeep of railway infrastructure.	Positive
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The proposal does not impact on residential land.	Neutral
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The site is currently used for railway related purposes, the proposal will make the zoning of the site consistent with the current use. The proposal is not expected to result in an increase in demand on public infrastructure.	Neutral

Evaluation Criteria	Evaluation	Benefit
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	No	Neutral
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	The site is located near other large parcels of land zoned SP2 Infrastructure which are owned by Rail Corporation NSW. The proposal is not expected to impact on these parcels of land.	Neutral
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	No	Neutral
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve	The proposal is consistent with the surrounding land uses. The land to the north of the site is zoned SP2 Railway	Neutral
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposal will not impact on the number of commercial or retail premise in the area. The site will be zoned SP2 Infrastructure	Neutral
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	The proposal is not expected to develop into a standalone centre. The site will only be used for railway infrastructure related purposes.	Neutral
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The proposal will rezone the land to be consistent with the surrounding railway land and the uses which are currently undertaken on the site.	Neutral

Section B - Relationship to strategic planning framework

4. 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)?

The applicable regional strategy is the Lower Hunter Regional Strategy. The Lower Hunter Regional Strategy promotes the provision for convenient public transport, including rail residential areas and for freight transport.. The proposal supports the continued use of maintenance of rail infrastructure at Newcastle by RailCorp

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The proposal is consistent with the vision of creating a connected city identified in the Newcastle 2030 Community Strategic Plan.

The proposal is consistent with the fundamental elements of the Newcastle Urban Strategy (NUS) in that it will enable the continued use in providing public transport.

The vision for Broadmeadow under the NUS is for the area to capitalise on its accessibility as a transport hub. The proposal will result in land being zoned for railway related uses which will improve the ability of the area to become a transport hub.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The proposal is only applicable to State Environmental Planning Policy (Infrastructure) 2007, as shown in Table 2.

The Planning proposal is not necessarily required to allow the continued use of railway related infrastructure. However this planning proposal will provide a consistent approach to the zoning of rail related infrastructure and provide clarity to the community of the intended use of the land.

Table 2: Consideration of State Environmental Planning Policies

SEPP	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy No 1—Development Standards	No		
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	No		

SEPP	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy No 6—Number of Storeys in a Building	No		
State Environmental Planning Policy No 14—Coastal Wetlands	No		
State Environmental Planning Policy No 15—Rural Landsharing Communities	No		
State Environmental Planning Policy No 19—Bushland in Urban Areas	No		
State Environmental Planning Policy No 21—Caravan Parks	No		
State Environmental Planning Policy No 22—Shops and Commercial Premises	No		
State Environmental Planning Policy No 26—Littoral Rainforests	No		
State Environmental Planning Policy No 29—Western Sydney Recreation Area	No		
State Environmental Planning Policy No 30—Intensive Agriculture	No		
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	No		
State Environmental Planning Policy No 33—Hazardous and Offensive Development	No		
State Environmental Planning Policy No 36—Manufactured Home Estates	No		
State Environmental Planning Policy No 39—Spit Island Bird Habitat	No		
State Environmental Planning Policy No 41—Casino Entertainment Complex	No		

SEPP	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy No 44—Koala Habitat Protection	No		
State Environmental Planning Policy No 47—Moore Park Showground	No		
State Environmental Planning Policy No 50—Canal Estate Development	No		
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	No		
State Environmental Planning Policy No 53—Metropolitan Residential Development	No		
State Environmental Planning Policy No 55—Remediation of Land	No		
State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area	No		
State Environmental Planning Policy No 60—Exempt and Complying Development	No		
State Environmental Planning Policy No 62—Sustainable Aquaculture	No		
State Environmental Planning Policy No 64—Advertising and Signage	No		
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	No		
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	No		
State Environmental Planning Policy No 71—Coastal Protection	No		

SEPP	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy (Affordable Rental Housing) 2009	No		
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No		
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No		
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	No		
State Environmental Planning Policy (Infrastructure) 2007	Yes	Yes	
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		

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal is consistent with the applicable S117 Directions, see Table 3.

Table 3: Consideration of S117 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	
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	No	
3.4 Integrating Land Use and Transport	No	

S117 Direction	Applicable	Consistent
3.5 Development Near Licensed Aerodromes	No	
3.6 Shooting Ranges	No	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	The site has predominantly class 4 acid sulfate soils with a small corner having class 5 acid sulfate soils. However the proposal will not have any added risk on potential acid sulfate soils.
4.2 Mine Subsidence and Unstable Land	No	
4.3 Flood Prone Land	Yes	The site is identified on Council planning controls as flood prone. Hence flooding will need to be addressed if development were ever proposed in the future.
4.4 Planning for Bushfire Protection	No	
5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	Yes
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	
5.8 Second Sydney Airport: Badgerys Creek	No	

S117 Direction	Applicable	Consistent
6. Local Plan Making		
6.1 Approval and Referral Requirements	No	
6.2 Reserving Land for Public Purposes	Yes.	The planning proposal will not result in a reduction in land for public purpose, given the site is owned by the Rail Corporation NSW and is used for rail purposes.
6.3 Site Specific Provisions	No	
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	No	

Section C - Environmental, social and economic impact

8. 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 predominantly cleared of vegetation as it contains two railway sheds and a car park which are used by the Rail Corporation NSW. Council does not have information to suggest that the site contain critical habitat or threatened species. It is unlikely that critical habitat or threatened species, populations or ecological communities or their habitat will be adversely affected by the proposal.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Flooding

The site is identified on Council planning controls as flood prone. Hence flooding will need to be addressed if development were ever proposed in the future.

Acid Sulfate Soils

The site has predominantly class 4 acid sulfate soils with a small corner having class 5 acid sulfate soils. However the proposal will not have any added risk on potential acid sulfate soils.

10. How has the planning proposal adequately addressed any social and economic effects?

The proposal is not expected to have any social and economic impact given it will not result in a change or intensification of use on the site.

Section D - State and Commonwealth interests

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

Yes, existing infrastructure is adequate to meet the needs of the proposal.

The proposal is correcting an existing anomaly. There will not be a need for additional infrastructure.

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

This section is to be completed in more detail following consultation with State and Commonwealth Authorities as identified in the Gateway Determination.

Part 4 – Community Consultation

Council proposed that the planning proposal be exhibited in accordance with the requirements of Section 57 of the EP&A Act 1979.

Pursuant to the Department of Planning and Infrastructure's guidelines, '*A guide to preparing a local environmental plans*', the proposed amendment is considered to be a low impact proposal as it is:

- consistent with the pattern of surrounding land use zones and/or land uses;
- consistent with the strategic planning framework;
- presents no issues with regard to infrastructure servicing;
- not a principal LEP; and
- does not reclassify public land.

Low impact proposals are generally placed on public exhibition for a period of 14 days. However the required timeframe will be confirmed at the Gateway Determination.

PP2012/01.04 - 22 and 34 Griffiths Road LAMBTON and 9 Crescent Road Waratah

Summary of Proposal

Proposal	Rezone land from SP2 Classified Road to B5 Business Development			
Property Details	34 Griffiths Road Lambton 2299	Lot 3150	DP 755247	
	22 Griffiths Road Lambton 2299	Lot 3181	DP 755247	
	9 Crescent Road Waratah	Lots 1 & 2 DP252238		
Applicant Details	Roads and Maritime Service			
	Level 1, 59 Darby Street			
	Newcastle			
	NSW 2300			
Land owners (respectively)	–	Macquarie Generation		
	–	Private Landowner		
	–	Roads and Maritime Service		

Background

The Newcastle Council Local Environmental Plan 2012 was prepared as a means of converting Newcastle LEP 2003 into the correct format of the standard instrument.

Council received a submission from the Roads and Maritime Service (RMS) during the exhibition of the draft Newcastle LEP in 2010 requesting that the zoning of the subject sites be amended from SP 2 Classified Road to a zone consistent with the adjoining properties.

the land was used previously used as a rail corridor. 9 Crescent Road WARATAH was gifted to the then Department of Mains Roads in 1977 to be used as their works depot. The remaining parcels were sold off to private land owners.

The RMS has advised Council that the land is no longer needed for road widening, hence the current zoning is no longer relevant to the land.

Site

The proposal consists of 3 lots with a total area of approximately 5,924m². The sites are currently zoned SP2 Classified Road. The adjoining sites are zoned B5 Business Development. **Figure 1** shows an aerial photo of the subject lands.

Internal consultation

The proposal was presented to Council's LEP Advisory Panel on 29 February 2012. The panel consists of technical experts from within Council including representatives from Compliance, Development and Building, and Strategic Planning. The comments of the panel are incorporated into this planning proposal.

Figure 1: Aerial Photo of Subject Land



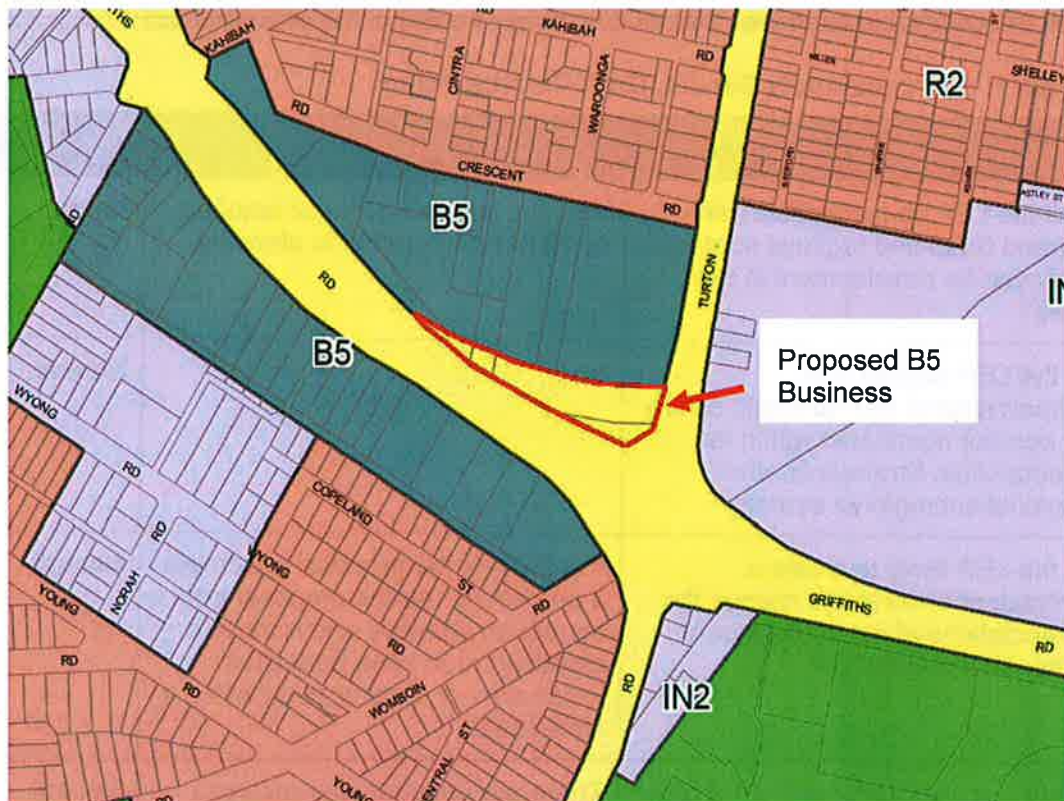
Part 1 - Objectives or Intended Outcomes

To remove the SP2 Classified Road zoning on the subject lots as they are not used for, or intended to be used for road widening and to rezone the sites to a zone which is consistent with the surrounding land zonings, Newcastle Urban Strategy and uses on site.

Part 2 - Explanation of Provisions

The objectives of the proposal will be achieved through an amendment to the Land Zoning map in the Newcastle LEP 2012 to rezone the subject sites from SP2 Classified Road to B5 Business Development as shown in **Figure 2**.

Figure 2: Proposed amendment to zoning of the site



Part 3 – Justification

Section A - Need for the planning proposal

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

No, the planning proposal is not the result of a strategic study or report.

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

Yes, the planning proposal is the best way of achieving the objectives of the proposal. The surrounding land is zoned B5 Business Development and the proposed zoning is consistent with the Newcastle Urban Strategy.

3. Is there a net community benefit?

The following table examines the net community benefit of the proposed LEP.

Table 1: Net community Benefit, Draft Centres Policy

Evaluation Criteria	Evaluation	Benefit
Will the LEP be compatible with agreed State and regional strategic direction for development in the area?	Yes, the land is no longer required by RMS for future traffic planning.	Neutral
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	No	Neutral
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	It is unlikely the proposal will create a precedent. As the proposal is to correct an anomaly and remove a classified road zone from sites which are not used or required as a state road.	Neutral
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations	There are no other spot rezoning proposed in the area.	Neutral
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The proposal will increase the land zoned B5 Business Development.	Positive

Evaluation Criteria	Evaluation	Benefit
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The proposal will not impact on residential zoned land.	Neutral
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The sties are currently being used for employment generating activities. Existing infrastructure is sufficient for the proposal.	Neutral
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The proposal will not affect travel distances or times for commuters.	Neutral
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	The site adjoins a classified road. The proposal will not impact on the existing road and the RMS have advised that the site is not needed for road widening.	Neutral
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	No.	Neutral
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve	The proposal is consistent with surrounding land uses.	Neutral
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposal will slightly increase the area of B5 Business Development land.	Neutral

Evaluation Criteria	Evaluation	Benefit
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	The proposal is not expected to develop into a stand alone centre. The sites are surrounded by a larger area of B5 land and there are well established existing commercial areas nearby in Lambton, Waratah and George Town.	Neutral
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The proposal will correct an anomaly and will rezone land which is currently zoned classified road and is not being required for road or traffic management works.	Neutral

Section B - Relationship to strategic planning framework

4. 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)?

The applicable regional strategy is the Lower Hunter Regional Strategy. There are no objectives in the strategy relevant to the proposal.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

There are no relevant objectives in the Newcastle 2030 Community Strategic Plan.

The proposal is consistent with the Newcastle Urban Strategy, which identifies the site as being for Industrial use.

Zoning the sites to B5 Business Development, although not an Industrial Zone, is considered to be consistent with the surrounding land uses and zoning, which allows for bulky good, storage and other industrial related uses.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The proposal is consistent the applicable State Environmental Planning Policies, refer to table 2.

Table 2: Consideration of State Environmental Planning Policies

SEPP	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy No 1—Development Standards	No		
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	No		

SEPP	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy No 6—Number of Storeys in a Building	No		
State Environmental Planning Policy No 14—Coastal Wetlands	No		
State Environmental Planning Policy No 15—Rural Landsharing Communities	No		
State Environmental Planning Policy No 19—Bushland in Urban Areas	No		
State Environmental Planning Policy No 21—Caravan Parks	No		
State Environmental Planning Policy No 22—Shops and Commercial Premises	No		
State Environmental Planning Policy No 26—Littoral Rainforests	No		
State Environmental Planning Policy No 29—Western Sydney Recreation Area	No		
State Environmental Planning Policy No 30—Intensive Agriculture	No		
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	No		
State Environmental Planning Policy No 33—Hazardous and Offensive Development	No		
State Environmental Planning Policy No 36—Manufactured Home Estates	No		
State Environmental Planning Policy No 39—Spit Island Bird Habitat	No		
State Environmental Planning Policy No 41—Casino Entertainment Complex	No		

SEPP	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy No 44—Koala Habitat Protection	Yes	Yes	The land is cleared and contains urban uses
State Environmental Planning Policy No 47—Moore Park Showground	No		
State Environmental Planning Policy No 50—Canal Estate Development	No		
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	No		
State Environmental Planning Policy No 53—Metropolitan Residential Development	No		
State Environmental Planning Policy No 55—Remediation of Land	Yes	Yes, Council's records indicate that the land is likely to be affected by contamination from past and current industrial related activity. Council is satisfied that this matter may be addressed if a development application involving a change of use were lodged in the future.	
State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area	No		
State Environmental Planning Policy No 60—Exempt and Complying Development	No		
State Environmental Planning Policy No 62—Sustainable Aquaculture	No		

SEPP	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy No 64—Advertising and Signage	No		
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	No		
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	No		
State Environmental Planning Policy No 71—Coastal Protection	No		
State Environmental Planning Policy (Affordable Rental Housing) 2009	No		
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No		
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No		
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	No		
State Environmental Planning Policy (Infrastructure) 2007	No		
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		

SEPP	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007	No		
State Environmental Planning Policy (Western Sydney Parklands) 2009	No		
State Environmental Planning Policy (State and Regional Development) 2011	No		

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal is consistent with the applicable S117 Directions, see table 3.

Table 3: Consideration of S117 Directions

S117 Direction	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	Yes	The proposal is consistent with the surrounding Business zonings and the proposal will not reduce the size of any business or industrial zonings.
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	

S117 Direction	Applicable	Consistent
2.4 Recreation Vehicle Areas	No	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	No	
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	No	
3.4 Integrating Land Use and Transport	No	
3.5 Development Near Licensed Aerodromes	No	
3.6 Shooting Ranges	No	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	The sites predominantly have class 5 acid sulfate soils. 9 Crescent Road has a small portion which has as Class 4 acid sulphate soils. Further assessment could be undertaken if a development application is lodged in the future, if necessary. The sites are currently being used for uses which are consistent with the B5 zone, the proposal will not intensify uses on the site.
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	The proposal is consistent with the Lower Hunter Regional Strategy.

S117 Direction	Applicable	Consistent
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	
5.8 Second Sydney Airport: Badgerys Creek	No	
6. Local Plan Making		
6.1 Approval and Referral Requirements	No	
6.2 Reserving Land for Public Purposes	Yes.	The proposal has been initiated by the Roads and Maritime Service who have advised that the site is not intended to be used as a classified road.
6.3 Site Specific Provisions	No	
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	No	

Section C - Environmental, social, and economic impact

8. 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 subject land does not contain any significant vegetation.

Council does not have information to suggest that the site contain critical habitat or threatened species. It is unlikely that critical habitat or threatened species, populations or ecological communities or their habitat will be adversely affected by the proposal.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The environmental effects of the proposal include:

- Flooding: 9 Crescent Road Waratah (Lot 2 DP 252238) is identified as being Flood Fringe. Hence this is not expected to significantly restrict development on the site. Flooding can be addressed at the design stage of any future development application.
- Land Contamination: Council's planning records indicate that 9 Crescent Road (Lot 2 DP 252238) may be affected by contamination. Council has contamination information for the site which is currently used as the RTA works depot. If construction works are proposed with a development application which would result in the disturbance of soil on the site a contamination investigation may be required.
- Acid Sulfate soils: All three subject sites have class 5 Acid Sulfate Soils which is the lowest classification. 9 Crescent Road (Lot 2 DP 252238) has a small portion on the corner of Turton Road and Griffiths Road which has class 4 Acid Sulfate Soils.

10. How has the planning proposal adequately addressed any social and economic effects?

The proposal will not have any social and economic effects.

Given that the RMS has advised that the sites are not needed as a road the proposal is considered acceptable.

Section D - State and Commonwealth interests

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

Yes, existing infrastructure is adequate to meet the needs of the proposal

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

This section will be completed in more detail following consultation with the State and Commonwealth Authorities as identified in the Gateway Determination.

Part 4 – Community Consultation

Council recommends that the planning proposal be exhibited in accordance with the requirements of Section 57 of the EP&A Act 1979.

Pursuant to the Department of Planning and Infrastructure's guidelines, 'A guide to preparing a local environmental plans', the proposed amendment is considered to be a low impact proposal as it is:

- consistent with the pattern of surrounding land use zones and/or land uses;
- consistent with the strategic planning framework;
- presents no issues with regard to infrastructure servicing;
- not a principal LEP; and
- does not reclassify public land.

Low impact proposals are generally placed on public exhibition for a period of 14 days. However the required timeframe will be confirmed at the Gateway Determination.

Summary of Proposal

Proposal	To amend schedule 1 of the Newcastle Local Environmental Plan 2011 to include 'service station' as an additional use on the subject lots.
Property Details	422-426 Newcastle Road, Lambton Lot 778, 779 and 780 DP 755247
Applicant Details	Ben Young Koby Development Consultants PO Box 320 NEWCASTLE NSW 2300
Land owner	Caltex Petroleum PTY LTD GPO Box 3916 SYDNEY NSW 2001

Background

The Newcastle Council Local Environmental Plan 2012 was prepared as a means of converting Newcastle LEP 2003 into the correct format of the standard instrument.

Council has received a request to amend schedule 1 of the Newcastle Local Environmental Plan 2012 to include 'service station' as an additional use on the subject lots.

The existing use rights enjoyed by the existing service station on Lots 778 and 779 cannot be extended over Lot 780 under 42(2)(b) of the Environmental Planning and Assessment Regulation 2006.

It is envisaged that the land will be redeveloped in order to reconfigure and expand the service station over all three (3) lots, should the amendment proceed.

Site

The site is 1488m² in area and consists of three (3) lots in a single ownership. There is an existing service station on Lots 778 and 779. The adjoining Lot 780 is in the same ownership however that lot contains a dwelling house which is no longer fit to be occupied for residential purposes. There is an additional dwelling at the rear of the service station on lot 778 with access off Nerong Road. However both residences are in disrepair and untenanted.

The site is zoned R2 Low Density Residential.

Plates 1 to 4, below, shows the existing structures on the site. **Figure 1** provides an aerial view of the subject land.

Plate 1: Caltex Service Station



Plate 2: View west along Newcastle Road. Site includes untenanted house.



Plate 3: Caltex Service Station



Plate 4: Existing house at the rear of the Lot 422.



Figure 1: Aerial Photo of 422-426 Newcastle Road LAMBTON



Pre-lodgement and Consultation

Council's LEP Advisory Panel met with the applicant on 29 February 2012. The key issues raised at that meeting related to access off Newcastle Road and the implications of the development on the amenity of adjacent residential land uses.

It was considered that these issues are best addressed at the development application stage. The applicant was advised of this.

Part 1 - Objectives or Intended Outcomes

To enable the redevelopment of 422-426 Newcastle Road, Lambton described as Lot 778, 779 and 780 DP755247 for the purpose of 'service station'. Hence legitimising the existing use of part of the land.

Part 2 - Explanation of Provisions

To amend Schedule 1 of the Newcastle Local Environmental Plan 2012 to add 'Service Station' as a permissible use on land described as Lot 778, 779, and 780 DP 755247 on Newcastle Road, Lambton.

Draft provisions:

Use of Certain Land at Newcastle Road, North Lambton

(1) This clause applies to 422-426 Newcastle Road, North Lambton (Lots 778, 779 and 780 DP 755247).

(2) Development for the purpose of a "service station" is permitted with consent.

Part 3 – Justification

Section A - Need for the planning proposal

'Service station' is a prohibited use in the R2 Low Density Residential zone. Existing use rights allow for the existing service station to be enlarged, expanded or intensified, altered or extended, rebuilt, within the existing site and with development consent. However existing use rights do not extend to adjoining lot 780 because the service station never occupied this lot.

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

No.

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

A rezoning of the site to a zone that permits 'service station' such as a business zone risks undermining the hierarchy of centres set in the LEP. In the absence of a strategic review of the centres a spot rezoning of the site is inappropriate.

Other potential zones, such as industrial invite development types that may not be appropriate in the location.

Introducing the 'service station' use to R2 Low Density Residential table of permitted uses is not consistent with the objectives or intent of that zone and would enable service stations in R2 zones elsewhere.

The amendment to schedule 1 is the best means of achieving the objective, whilst ensuring that the uses on the site revert to those permitted within the R2 Low density residential zone, should the site no longer be used as a service station in the future.

3. Is there a net community benefit?

The following table examines the net community benefit of the proposed LEP with reference to the format set out in the Department of Planning's Draft Centres Policy'.

In general the assessment is either neutral or positive. However, it is considered that the net community benefit of the proposal is NEUTRAL.

Table 1 - Net Community Benefit, Draft Centres Policy

Evaluation Criteria	Evaluation	Benefit
Will the LEP be compatible with agreed State and regional strategic direction for development in the area?	Not applicable.	Neutral
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Newcastle is a Regional City in the Lower Hunter Regional Strategy.	Neutral
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	In general Council does not support using schedule 1 to enable a prohibited use as this has the potential to raise expectations of other land owners wishing to undertake development that does not reflect the intent of the current zone and Council's strategies. However, given the existing use rights over part of the overall site and the suitability of the location for the proposed use, it is considered appropriately justifiable to allow the proposed use on the land. The use of Schedule 1 is also considered to be the most suitable means of implementing the intended outcome whilst maintaining zoning otherwise consistent with Councils land use strategy.	Neutral
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations	No other spot rezoning is proposed in the locality.	Not applicable
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The proposed expansion of the service that would be facilitated by the proposed amendment is unlikely to generate any significant increase in employment.	Neutral

Evaluation Criteria	Evaluation	Benefit
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Two (2) of the three (3) lots are occupied by the existing service station. The proposal expansion would result in the loss of a single house (520m²) which is currently in disrepair and is untenanted. The lot has poor amenity and is affected by noise from Newcastle Road. A new residential development on the site would need to address noise through design, siting and building materials. It is unlikely that this would result in an affordable housing outcome.	Neutral
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The site is on Newcastle Road and therefore has good access to pedestrian, cycling and public transport facilities which may benefit workers at the service station.	Neutral
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so; what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	No	Not applicable
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	No	Not applicable

Evaluation Criteria	Evaluation	Benefit
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	No	Not applicable
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve	The existing service station occupies two (2) of the three (3) lots. The proposed expansion that the amendment to the LEP will facilitate is generally consistent with the existing use. A new site layout may result in greater efficiency and use of the site and it is an opportunity to revisit the interface between the service station and the adjoining residences. The development consent should ensure that the design of the site and new building contribute positively to the streetscape and improve the interface between the station and adjoining residences.	Neutral/ Positive
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	No.	Neutral
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	No	Neutral
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	An expanded service station may provide for an increase of onsite queuing, hence improving local traffic conditions along Newcastle Road. An expanded service station may also provide other benefits to local residents such as a convenience store. There are no public interest implications for not proceeding at this time.	Neutral

Section B - Relationship to strategic planning framework

4. 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)?

Not applicable. There are no relevant objectives or actions within the Lower Hunter Regional Strategy or the Newcastle Urban Strategy for the proposed LEP.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The strategic direction within Council's Community Strategic Plan 2030 most relevant to the proposal is 'Connected City', which is defined as "Transport networks and services will be well connected and convenient. Walking, cycling and public transport will be viable options for the majority of trips".

The private vehicle is an essential part of the overall Newcastle transport system. Increased traffic volumes along Newcastle Road will be supported by a larger, potentially more efficient service station. Service stations also provide opportunities for cyclists to re-pressurise bike tyres and for pedestrians to seek refreshment.

6. Is the planning proposal consistent with applicable state environmental planning policies?

There are no State Environmental Planning Policies applying to the planning proposal as shown in the table below.

Table 2 - Consideration of State Environmental Planning Policies

SEPP	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy No 1—Development Standards	No		
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	No		
State Environmental Planning Policy No 6—Number of Storeys in a Building	No		
State Environmental Planning Policy No 14—Coastal Wetlands	No		
State Environmental Planning Policy No 15—Rural Landsharing Communities	No		

SEPP	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy No 19—Bushland in Urban Areas	No		
State Environmental Planning Policy No 21—Caravan Parks	No		
State Environmental Planning Policy No 22—Shops and Commercial Premises	No		
State Environmental Planning Policy No 26—Littoral Rainforests	No		
State Environmental Planning Policy No 29—Western Sydney Recreation Area	No		
State Environmental Planning Policy No 30—Intensive Agriculture	No		
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	No		
State Environmental Planning Policy No 33—Hazardous and Offensive Development	No		
State Environmental Planning Policy No 36—Manufactured Home Estates	No		
State Environmental Planning Policy No 39—Spit Island Bird Habitat	No		
State Environmental Planning Policy No 41—Casino Entertainment Complex	No		
State Environmental Planning Policy No 44—Koala Habitat Protection	Yes	Yes	There are no known records of koalas on the site.
State Environmental Planning Policy No 47—Moore Park Showground	No		

SEPP	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy No 50—Canal Estate Development	No		
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	No		
State Environmental Planning Policy No 53—Metropolitan Residential Development	No		
State Environmental Planning Policy No 55—Remediation of Land	No		
State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area	No		
State Environmental Planning Policy No 60—Exempt and Complying Development	No		
State Environmental Planning Policy No 62—Sustainable Aquaculture	No		
State Environmental Planning Policy No 64—Advertising and Signage	Yes	This will be addressed at DA stage.	
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	No		
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	No		
State Environmental Planning Policy No 71—Coastal Protection	No		
State Environmental Planning Policy (Affordable Rental Housing) 2009	No		
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No		

SEPP	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No		
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	No		
State Environmental Planning Policy (Infrastructure) 2007	No		
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		

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)

The following table identifies which Ministerial Directions (s.117 directions) apply to the planning proposal and examines their consistency with those that do apply.

Table 3 - Consistency with applicable Ministerial Directions (s.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	Yes	Yes – the Planning proposal does not contain provisions which will reduce the permissible residential density of land. However it will permit an additional use of a non residential nature on the land.
3.2 Caravan Parks and Manufactured Home Estates	No	

S117 Direction	Applicable	Consistent
3.3 Home Occupations	No	
3.4 Integrating Land Use and Transport	No	
3.5 Development Near Licensed Aerodromes	No	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	No	
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	No	
5.2 Sydney Drinking Water Catchments	No	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No	

S117 Direction	Applicable	Consistent
5.8 Second Sydney Airport: Badgerys Creek	No	
6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	Yes – the planning proposal does not include any provisions that require the concurrence, consultation, or referral of development applications to a Minister or public authority. However; access to the site is from a classified RMS road, hence RMS have indicated that they will require any future DA to be referred to them as part of its assessment. This does not however require any specific provision to be included within the LEP.
6.2 Reserving Land for Public Purposes	No	
6.3 Site Specific Provisions	Yes	No. - The proposed amendment is inconsistent with this direction as it will enable a use on the subject land that is otherwise prohibited within the zone by means of Schedule 1 – Additional Uses rather than by rezoning the land or including the proposed use within the existing zone. However, this is justified as rezoning the land would be inconsistent with Council's land use strategy, in particular the hierarchy of commercial centres. Likewise inclusion of the proposed use within the zone would potentially result in inappropriate development elsewhere within the R2 zoned land in the city. The proposed amendment is the most suitable means of achieving the intended outcomes for the subject land.

Section C - Environmental, social, and economic impact

8. *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?*

No

9. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

Construction and operational issues will be assessed and conditioned at the development application stage.

10. *How has the planning proposal adequately addressed any social and economic effects?*

The expanded service station operation may result in a small increase in permanent employment.

Section D - State and Commonwealth interests

11. *Is there adequate public infrastructure for the planning proposal?*

Yes

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

This section will be completed following consultation with the State and Commonwealth Public Authorities that are identified in the gateway determination.

Council has received initial in principle approval from the RMS, on the proviso that any resultant DA be referred to them for review.

Part 4 – Community Consultation

Council recommends that the planning proposal be exhibited in accordance with the requirements of Section 57 of the EP&A Act 1979.

Pursuant to the Department of Planning and Infrastructure's guidelines, 'A guide to preparing a local environmental plans', the proposed amendment is considered to be a low impact proposal as it is:

- consistent with the pattern of surrounding land use zones and/or land uses;
- consistent with the strategic planning framework;
- presents no issues with regard to infrastructure servicing;
- not a principal LEP; and
- does not reclassify public land.

Low impact proposals are generally placed on public exhibition for a period of 14 days. However the required timeframe will be confirmed at the Gateway Determination.

PP2012/01.06: 80 Macquarie Street, Wallsend

Summary of Proposal

Proposal	To amend schedule 1 of the Newcastle Local Environmental Plan 2012 to include 'office' and 'recreation facility (outdoor)' as additional uses on the subject lots.
Property Details	80 Macquarie Street, Wallsend Lot 9 DP 596183, Lot 3 DP 579414, Lot 10 DP 596183
Applicant Details	John Meggitt ADW Johnson Pty Ltd 7/335 Hillsborough Rd WARNERS BAY 2282
Land owner	NSW Department of Education and Communities Locked Bag 445 HRMC NSW 2310

Background

The Newcastle Local Environmental Plan 2012 was prepared as a means of converting Newcastle LEP 2003 into the correct format of the standard instrument.

The site is zoned R2 Low Density Residential and contains Callaghan College (Public High School) and its associated sporting facilities.

Council has received a request to amend schedule 1 of the Newcastle Local Environmental Plan 2012 to include 'Office, Recreation area and Recreation facility (outdoor)' as an additional use on the subject lots, to allow Northern NSW Football to develop a training facility and an administration office.

Site

The subject site is approximately 77,210m² in area and consists of three lots, all owned by the Department of Education and Communities. The Department supports the proposal given it will provide opportunities for the school to use the upgraded playing fields during school hours.

The site is zoned R2 Low Density Residential. 'Office, Recreation area and Recreation facility (outdoor)' are prohibited uses in this zone.

The Department of Education and Communities has advised that as the proposed use will be developed and operated by a private service provider, they do not believe it appropriate for consent to be sought under State Environmental Planning Policy (Infrastructure) 2007.

Internal consultation

The proposal was considered by Council's LEP Advisory Panel on 14 March 2012. The panel consists of technical experts from within Council including representatives from Compliance, Development and Building, and Strategic Planning. The comments from the Panel have been incorporated into this planning proposal.

Figure 1: Aerial view of subject site



Part 1 - Objectives or Intended Outcomes

To enable 'Offices, and Recreation facility (outdoor)' to be permissible on the site to allow the establishment of 5-a-side football playing fields, full sized professional standard training playing fields, amenity facilities, and an administration building (office) for Northern NSW Football.

Part 2 - Explanation of Provisions

To amend Schedule 1 Additional Permitted Uses of the Newcastle Local Environmental Plan 2012 to add 'Office but only where used in conjunction with a Recreation facility (outdoor) on the site, and Recreation facility (outdoor) as additional uses to land at 80 Macquarie Street, Wallsend described as Lot 9 DP 596183, Lot 3 DP 579414, Lot 10 DP 596183.

For example:

Use of Certain Land at Wallsend

(1) This clause applies to land at 80 Macquarie Street, Wallsend, legally described as Lot 9 DP 596183, Lot 3 DP 579414, and Lot 10 DP 596183.

(2) Development for the purpose of a "Office but only where used in conjunction with a Recreation facility (outdoor) on the site, and Recreation facility (outdoor)" is permitted with consent.

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 the result of any strategic study or report.

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

It is considered that a rezoning of the site to a zone which permits 'offices, recreation area and recreation facility (outdoor)' would not be suitable. In order to allow the proposed additional uses the site would have to be rezoned to either B4 Mixed Use or B5 Business Development as these are the only zones which accommodates all three proposed additional uses. The B4 and B5 zone are not considered appropriate in the location as it is not consistent with the hierarchy of centres in Councils Urban Strategy.

Allowing 'office, recreation area and recreation facility (outdoor)' to be permissible in the current R2 Low Density Residential zone would not be consistent with the objectives of the R2 zone and would have implications for all R2 Land in the Newcastle Local Government area.

Although the proposed facility relates to government owned land and will be accessible for use by the existing school, the Department of Education and Communities have indicated that they do not wish for consent to be granted under

State Environmental Planning Policy (Infrastructure) 2007, given the proposal will be developed and operated by a private service provider and not officially part of the operation of the 'school'.

Therefore an amendment to schedule 1 is the best means to achieve the objective of the planning proposal.

3. Is there a net community benefit?

The following table examines the net community benefit of the proposed LEP.

Table 1: Net community Benefit, Draft Centres Policy

Evaluation Criteria	Evaluation	Benefit
Will the LEP be compatible with agreed State and regional strategic direction for development in the area?	Not applicable	Neutral
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The site is located in the Newcastle Local Government Area. Newcastle is within the Lower Hunter Regional Strategy. The proposal is consistent with the Lower Hunter Regional Strategy.	Neutral
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	It is possible that the amendment will encourage the use of Schedule 1 amendments to allow otherwise prohibited uses in a zone; however, it is considered that the proposal is suitable for a schedule 1 amendment as outlined in Part 3 Section A (2) of this planning proposal.	Neutral
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations	No other spot rezoning is proposed in the locality.	Neutral
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The proposal will result in an employment generating activity, as 'office' will be permissible as part of the proposal on the site.	Positive
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The proposal will not impact on the supply of residential housing. The site currently contains a school and associated sporting fields.	Not applicable

Evaluation Criteria	Evaluation	Benefit
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	Council's LEP Advisory Panel have confirmed that the proposal is acceptable on traffic ground. There are road networks leading to the site which are considered adequate to accommodate the proposal. There is adequate pedestrian access to the site. On site parking will be considered and reviewed when a detailed development application is lodged.	Neutral
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	There is no similar facility in the western corridor of the city of Newcastle . Hence the proposal has the potential to reduce travel time for patrons who currently need to travel out of the area in order to play football (soccer).	Neutral
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	The subject site is owned by the NSW Government (Department of Education and Communities) and contains Callaghan College. It is not expected that Callaghan College will be negatively impacted on by the proposal as there is potential for the school to have access to the use of the recreation facility (outdoor)'. The Department of Education and Communities has provided owners consent for this planning proposal and will be required to provide owners consent to any future development application on the site.	Neutral
Will the proposal impact on land that the Government has identified a need to protect (e. g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	The land is affected by flooding. Parts of the site are identified as being flood fringe areas for local Ironbark Creek catchment flooding and also for Hunter River flooding. This issue can be addressed at the design stage of a development application.	Neutral

Evaluation Criteria	Evaluation	Benefit
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve	Recreation facility (outdoor) and office uses are compatible with the existing school use on the site. The proposal is not likely to conflict with the surrounding residential land. Specific impacts will be able to be assessed once a detailed development application is lodged, should this amendment occur.	Neutral
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	No	Neutral
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	No	Neutral
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The proposal has potential to provide an additional sporting facility to the area. Not proceeding at this time will not have any major public interest implications but would prevent the proposed facility from being realised.	Positive

Section B - Relationship to strategic planning framework

4. 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)?

The applicable regional strategy is the Lower Hunter Regional Strategy. There are no relevant objectives in the Strategy.

The site is located within the area covered by the Newcastle-Lake Macquarie Western Corridor Planning Strategy. The strategy recognises the need for recreation facilities in the western corridor. The strategy states that these facilities should be located close to activity nodes. The subject site contains a high school, which is considered to be a high activity.

The proposal is also consistent with the Newcastle- Lake Macquarie Western Corridor Planning Strategy.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Newcastle Community Strategic Plan 2030

The proposal is consistent with the following strategic directions in the Community Strategic Plan:

Caring and Inclusive Community:

'Provide a broad range of recreation, health and wellness programs to target the age-specific needs of residents, including younger children, other children, adolescents, facilities and seniors'

The proposal will allow the creation of recreation facilities which are associated with organised sport.

Newcastle Urban Strategy

There are no specific objectives of the Newcastle Urban Strategy which relate to the proposal. However, the strategy does recognise the importance of recreational opportunities.

The proposal is consistent with the vision for Wallsend which is contained in the strategy. The vision for Wallsend is to develop the area as a district level hub for recreation and sporting facilities.

Wallsend is identified as a Town/District Centre in Newcastle's Urban Structure map.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with all applying State Environmental Planning Policies as shown in the table below.

Table 2: Consideration of State Environmental Planning Policies

	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy No 1—Development Standards	No		
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	No		
State Environmental Planning Policy No 6—Number of Storeys in a Building	No		
State Environmental Planning Policy No 14—Coastal Wetlands	No		

	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy No 15—Rural Landsharing Communities	No		
State Environmental Planning Policy No 19—Bushland in Urban Areas	No		
State Environmental Planning Policy No 21—Caravan Parks	No		
State Environmental Planning Policy No 22—Shops and Commercial Premises	No		
State Environmental Planning Policy No 26—Littoral Rainforests	No		
State Environmental Planning Policy No 29—Western Sydney Recreation Area	No		
State Environmental Planning Policy No 30—Intensive Agriculture	No		
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	No		
State Environmental Planning Policy No 33—Hazardous and Offensive Development	No		
State Environmental Planning Policy No 36—Manufactured Home Estates	No		
State Environmental Planning Policy No 39—Spit Island Bird Habitat	No		
State Environmental Planning Policy No 41—Casino Entertainment Complex	No		
State Environmental Planning Policy No 44—Koala Habitat Protection	Yes	Yes	
State Environmental Planning Policy No 47—Moore Park Showground	No		
State Environmental Planning Policy No 50—Canal Estate Development	No		

	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	No		
State Environmental Planning Policy No 53—Metropolitan Residential Development	No		
State Environmental Planning Policy No 55—Remediation of Land	No		
State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area	No		
State Environmental Planning Policy No 60—Exempt and Complying Development	No		
State Environmental Planning Policy No 62—Sustainable Aquaculture	No		
State Environmental Planning Policy No 64—Advertising and Signage	No		
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	No		
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	No		
State Environmental Planning Policy No 71—Coastal Protection	No		
State Environmental Planning Policy (Affordable Rental Housing) 2009	No		
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No		
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No		
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	No		

	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy (Infrastructure) 2007	No		
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		
State Environmental Planning Policy (State and Regional Development) 2011	No		

7. Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?

The proposal is consistent with the applicable S117 Directions, see table 3.

Table 3: Consistency with Section 117 Directions

	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	

	Applicable	Consistent
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	Yes	The site is zoned R2 Low Density Residential and contains Callaghan College (Public High School). The planning proposal is unlikely to impact on the potential for residential development on the site in the future, should the existing use cease. The viability of the surrounding residential zoned land is not likely to be impacted by the planning proposal.
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	No	
3.4 Integrating Land Use and Transport	No	
3.5 Development Near Licensed Aerodromes	No	
3. Shooting Ranges	No	

	Applicable	Consistent
4. Hazard and Risk		
4. 1 Acid Sulfate Soils	Yes	The site contains class 5 and class 3 Acid sulfate Soils. The planning proposal will not intensify use of the site and it is considered that an Acid Sulfate Soils Assessment is not needed as part of the Planning Proposal.
4. 2 Mine Subsidence and Unstable Land	No	
4. 3 Flood Prone Land	Yes	Parts of the site are identified as flood fringe. It is considered that the proposed additional uses could proceed on land which is classified as flood fringe. Measures could be incorporated at the design stage of any development to address flooding on the site. The proposal should not impact on flooding on other properties.
4.4 Planning for Bushfire Protection	Yes	The proposal has regard to Planning for Bushfire Protection 2006 and is consistent with this guide. If required by the Gateway Determination Council will consult with the Commissioner of the NSW Rural Fire Service. Appropriate protection zones are to be determined.
5. Regional Planning		
5. 1 Implementation of Regional Strategies	Yes	As stated in Section B-Relationship to Strategic Planning Framework the proposal is consistent with the Lower Hunter Regional Strategy.

	Applicable	Consistent
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. 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	Yes	The site is owned by the Department of Education and Communities. Owners consent has been provided for the planning proposal by a delegate for the Minister for Education and Training. If required as part of the Gateway Determination Council will consult with the Department of Education and Communities.
6. 3 Site Specific Provisions	No	
7. Metropolitan Planning		
7. 1 Implementation of the Metropolitan Plan for Sydney 2036	No	

Section C - Environmental, social and economic impact

8. 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?

No. The site currently contains a school and sporting fields. The site is largely cleared of vegetation and is not known to contain any critical habitat or threatened species.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The site has a number of environmental constraints however; these constraints can be addressed at the development application stage through design. Constraints which will need to be addressed when a development application is lodged include:

Flood prone land

The land is affected by flooding. Parts of the site are identified as being flood fringe areas for local Ironbark Creek catchment flooding and also for Hunter River flooding. This issue could be addressed at the design stage of a development application.

Acid sulfate soils

The site is identified as having class 5 and class 3 acid sulfate soils. A geotechnical assessment could be provided at the development application stage.

Lighting and acoustics

Development of a recreational facility may have impacts on nearby residents. These impacts should be addressed as part of a development application.

Bushfire

Parts of the site are bushfire prone with land classed as Vegetation Category 2 and Vegetation Buffer. This issue could be addressed when a development application is lodged.

10. How has the planning proposal adequately addressed any social and economic effects?

Yes, it is considered that the proposal will have a positive social and economic impact as it will be providing a sporting facility.

Section D - State and Commonwealth interests

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

The site is located adjoining established residential area, providing connections to the appropriate utilities.

12. 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.

This section is to be completed in more detail following consultation with the State and Commonwealth Public Authorities as identified in the Gateway Determination.

The applicant has been in negotiation with the Department of Education and Community regarding the proposal. The Department has provided their signed consent, as the land owners of the subject site, to enable the applicant to request the proposed amendment to Newcastle LEP 2012 as outlined in this planning proposal.

Council will formally consult with the Department of Education and Communities if required by the Gateway Determination.

Part 4 – Community Consultation

Council recommends that the planning proposal be exhibited in accordance with the requirements of Section 57 of the EP&A Act 1979.

Pursuant to the Department of Planning and Infrastructure's guidelines, '*A guide to preparing a local environmental plans*', the proposed amendment is considered to be a low impact proposal as it is:

- consistent with the pattern of surrounding land use zones and/or land uses;
- consistent with the strategic planning framework;
- presents no issues with regard to infrastructure servicing;
- not a principal LEP; and
- does not reclassify public land.

Low impact proposals are generally placed on public exhibition for a period of 14 days. However the required timeframe will be confirmed at the Gateway Determination.

PP2012/01.07: 1 Cowper Street and 1, 1A, 3, 5, 7, 9 Longworth Avenue WALLSEND

Summary of Proposal

Proposal	To amend the Newcastle LEP 2012 to reflect revised survey plans at Longworth Avenue and Cowper Street Wallsend. – Amend the Land Reservation Acquisition maps – Amend the Height maps – Amend the Floor Space Ratio map.	
Property Details	1 Cowper Street Wallsend	Lot 86 DP 1083318
	1A Longworth Avenue Wallsend	Lot 1 DP 399675
	1 Longworth Avenue Wallsend	Lot 2 DP 399675
	3 Longworth Avenue Wallsend	Lot 2 DP 11683
	5 Longworth Avenue Wallsend	Lot 3 DP 11683
	7 Longworth Avenue Wallsend	Lot 4 DP 11683
	9 Longworth Avenue Wallsend	Lot 5 DP 11683
Applicant Details	Newcastle City Council	
Land owner	1A Longworth Avenue and 1 Longworth Avenue are owned by Newcastle City Council.	
	Remaining properties are privately owned	

Background

Council proposes to undertake road widening on Longworth Avenue and the corner of Cowper Street Wallsend. Initial plans showed that the proposed road widening would affect 7 properties, two of which are already owned by Council and hence are not shown on the Land Reservation Acquisition map within Newcastle LEP 2012. The current Land Reservation Acquisition map shows that the front portion of 1 Cowper Street and 3, 5, 7 and 9 Longworth Avenue are to be acquired for the proposed road widening.

Revised survey plans have now been received which show that a smaller portion of 1 Cowper Street and 3 and 5 Longworth Avenue are needed for the road widening and that properties 7 and 9 Longworth Avenue are no longer needed for the road widening. As a result the Land Reservation Acquisition map needs amending, along with the height and FSR maps.

Site

The proposal consists of 5 sites, as mentioned above. The sites are currently zoned R2 Low Density Residential with sites 1 Cowper Street, and 3, 5 and 9 Longworth Avenue containing residential dwellings. 7 Longworth Avenue is currently vacant.

The sites have a minimum lot size of 450m². The sites have a maximum FSR of 0.75 and a maximum height limit of 8.5m. The portions of the sites which are currently covered by the land reservation acquisition do not have a height or FSR limit.

As part of this proposal the height and FSR maps are to be amended so that the entire sites will have a height limit and a maximum FSR.

Internal consultation

The proposal was considered by Councils LEP Advisory Panel on 29 February 2012. The panel comprises of technical experts from within Council including representatives from Compliance, Development and Building, Strategic Planning. No issues were raised with regard to this planning proposal by the panel.

Figure 1: Aerial Photo of Subject Land



Part 1 - Objectives or Intended Outcomes

The intended outcome of the planning proposal is to amend Newcastle LEP 2012 to ensure a consistent approach to mapping the maximum height of buildings and maximum floor space ratios on land reserved for acquisition along Longworth Ave WALLSEND for proposed road widening and to reflect Council's revised survey plans for such works.

Part 2 - Explanation of Provisions

The intended outcome of the planning proposal will be achieved through the following amendments to Newcastle LEP 2012:

- Amend the Height map to have a height of 8.5m over all of 1 Cowper Street (Lot 86 DP 1083318), 1A Longworth Avenue (Lot 1 DP 399675), 1 Longworth Avenue (Lot 2 DP 399675), 3 Longworth Avenue (Lot 2 DP 11683), 5 Longworth Avenue (Lot 3 DP 11683) and 7 Longworth Ave Cowper Street (Lot 4 DP 11683) WALLSEND (see **Figure 2**).
- Amend the FSR map to show a FSR of 0.751 over all of Cowper Street (Lot 86 DP 1083318), 1A Longworth Avenue (Lot 1 DP 399675), 1 Longworth Avenue (Lot 2 DP 11683), 3 Longworth Avenue (Lot 2 DP 11683), 5 Longworth Avenue (Lot 3 DP 11683) and 7 Longworth Ave Cowper Street (Lot 4 DP 11683) WALLSEND (see **Figure 3**).
- Amend Land Reservation Acquisition maps to remove the acquisition zone on 7 Longworth Avenue Cowper Street WALLSEND, also known as Lot 4 DP 11683 and 9 Longworth Avenue WALLSEND, also known as Lot 5 DP 11683 (see **Figure 4**).
- Amend Land Reservation Acquisition map to realign the acquisition zone on 1 Cowper Street (Lot 86 DP 1083318), 3 Longworth Avenue (Lot 2 DP 11683) and 5 Longworth Avenue (Lot 3 DP 11683) WALLSEND (see **Figure 4**).

Figure 2: Proposed amendment to Height of Building Map

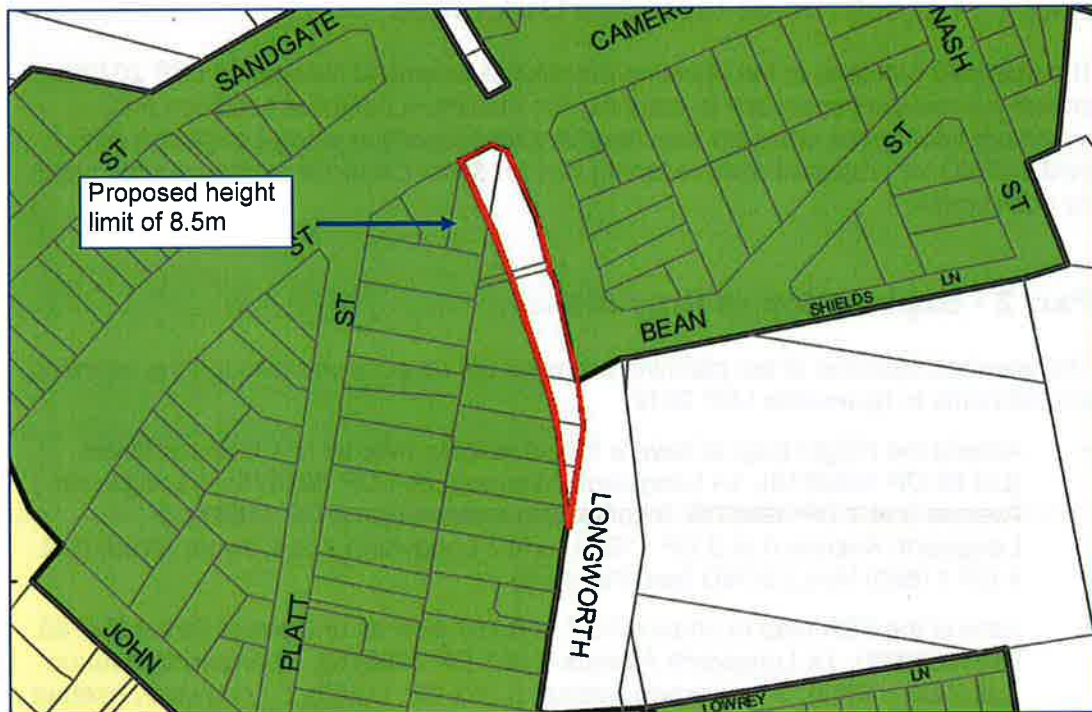
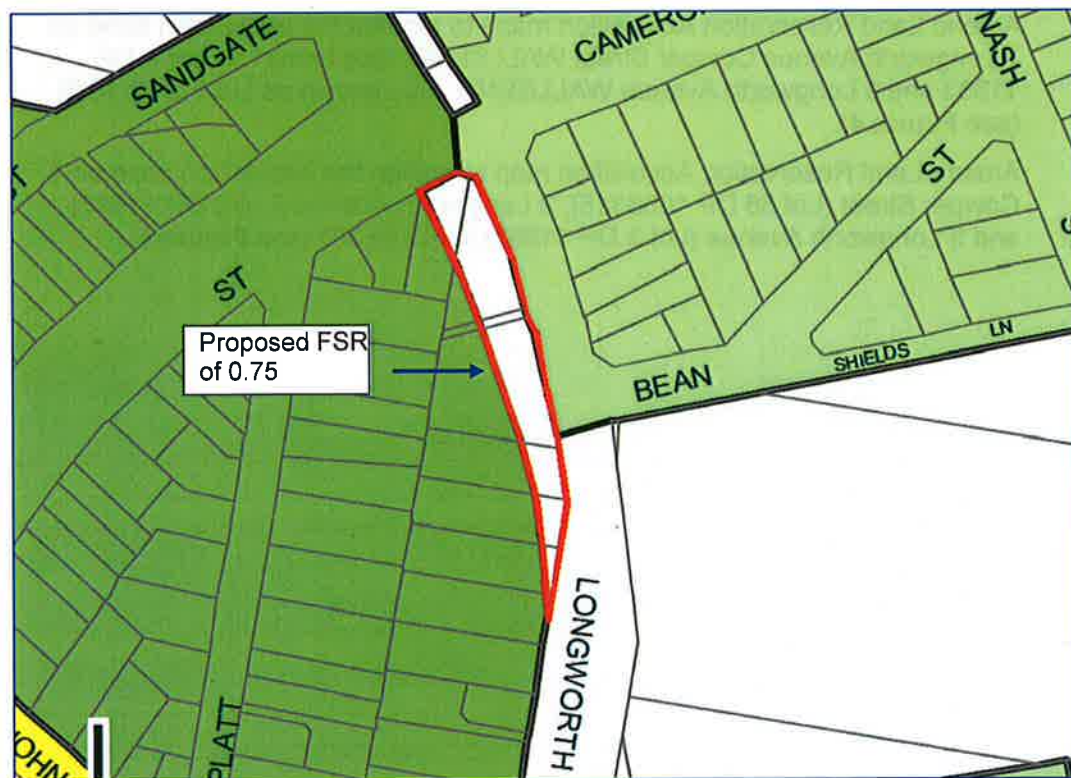


Figure 3: Proposed amendment to Floor Space Ratio Map





Newcastle Local Environmental Plan 2011

Proposed Land Reservation Acquisition Map

Land Reservation Acquisition

Local Road (R2)

Cadastral

Cadastral base data 01/08/2007 © LPMA
Addendum data 20/11/2011 © Newcastle City Council



NORTH



Projection GDA 1994
Zone 56

Scale 1:2500 @ A3

Map identification number:

FIGURE 4

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 the result of a strategic study or report. The planning proposal is a result of revised survey plans for a proposed road widening.

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

The planning proposal is the best means of achieving the objective of the proposal as the acquisition zone on Councils LEP need to be amended to reflect the proposed road widening.

The portions of the site which were intended to be acquired do not have a height or FSR control. The height and FSR maps will need to be amended to provide a height and FSR limit on the portions of the site which are no longer needed for acquisition.

3. Is there a net community benefit?

The following table examines the net community benefit of the proposed LEP.

Table 1: Net community Benefit, Draft Centres Policy

Evaluation Criteria	Evaluation	Benefit
Will the LEP be compatible with agreed State and regional strategic direction for development in the area?	Not applicable	Neutral
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The applicable regional strategy is the Lower Hunter Regional Strategy. There are no relevant objectives in the strategy.	Neutral
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	It is unlikely the proposal will create a precedent as it is reflecting a road widening plan.	Neutral
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations	There are no other spot rezoning proposed in the area	Neutral

Evaluation Criteria	Evaluation	Benefit
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No- this LEP is not changing the zoning of the site. There will be no change in the permissible uses on the site.	Neutral
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The proposal will result in an increase in the area which can be built on for the existing residential lots as the area covered by the land reservation acquisition will be slightly decreased.	Positive
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The proposal will not increase demand on public infrastructure. The proposal will assist in improving public infrastructure as it will facilitate a road widening project.	Positive
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	No	Neutral
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	The proposal will not significantly impact on Government investments.	Neutral
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	No.	Neutral
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve	The proposal is consistent with surrounding land uses.	Neutral

Evaluation Criteria	Evaluation	Benefit
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposal will not impact on commercial or business uses.	Neutral
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	Not applicable	Not applicable
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The proposal will facilitate road widening which has the potential to improve traffic management, hence benefiting the community.	Positive

Section B - Relationship to strategic planning framework

4. 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)?

The applicable regional strategy is the Lower Hunter Regional Strategy. There are no relevant objectives in the Strategy.

5. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

The proposal is consistent with the Newcastle Urban Strategy and Council's Community Strategic Plan. There are no specific objectives relating to the proposal in either strategy.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The proposal is consistent the applicable State Environmental Planning Policies, refer to Table 2.

Table 2: Consideration of State Environmental Planning Policies

SEPP	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy No 1—Development Standards	No		

SEPP	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	No		
State Environmental Planning Policy No 6—Number of Storeys in a Building	No		
State Environmental Planning Policy No 14—Coastal Wetlands	No		
State Environmental Planning Policy No 15—Rural Landsharing Communities	No		
State Environmental Planning Policy No 19—Bushland in Urban Areas	No		
State Environmental Planning Policy No 21—Caravan Parks	No		
State Environmental Planning Policy No 22—Shops and Commercial Premises	No		
State Environmental Planning Policy No 26—Littoral Rainforests	No		
State Environmental Planning Policy No 29—Western Sydney Recreation Area	No		
State Environmental Planning Policy No 30—Intensive Agriculture	No		
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	No		
State Environmental Planning Policy No 33—Hazardous and Offensive Development	No		
State Environmental Planning Policy No 36—Manufactured Home Estates	No		

SEPP	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy No 39—Spit Island Bird Habitat	No		
State Environmental Planning Policy No 41—Casino Entertainment Complex	No		
State Environmental Planning Policy No 44—Koala Habitat Protection	Yes	Yes	There are no known records of koalas on the site.
State Environmental Planning Policy No 47—Moore Park Showground	No		
State Environmental Planning Policy No 50—Canal Estate Development	No		
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	No		
State Environmental Planning Policy No 53—Metropolitan Residential Development	No		
State Environmental Planning Policy No 55—Remediation of Land	No		
State Environmental Planning Policy No 59—Central Western Sydney Economic and Employment Area	No		
State Environmental Planning Policy No 60—Exempt and Complying Development	No		
State Environmental Planning Policy No 62—Sustainable Aquaculture	No		
State Environmental Planning Policy No 64—Advertising and Signage	No		

SEPP	Applicable	Consistent	Reason for inconsistency
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	No		
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	No		
State Environmental Planning Policy No 71—Coastal Protection	No		
State Environmental Planning Policy (Affordable Rental Housing) 2009	No		
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No		
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	No		
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	No		
State Environmental Planning Policy (Infrastructure) 2007	No		
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	No		

SEPP	Applicable	Consistent	Reason for inconsistency
Places of Public Entertainment) 2007			
State Environmental Planning Policy (Western Sydney Parklands) 2009	No		
SEPP (State and Regional Development) 2011	No		

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal is consistent with the applicable S117 Directions, see table 3.

Table 3: Consideration of S117 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	

S117 Direction	Applicable	Consistent
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Yes	The sites will continue to be zoned R2 Low Density Residential and the permissible uses in the R2 Low Density Residential zone will not change.
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	Yes	The land which is zoned R2 Low Density Residential will permit Home Occupation without development consent.
3.4 Integrating Land Use and Transport	No	
3.5 Development Near Licensed Aerodromes	No	
3.6 Shooting Ranges	No	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	All sites have class 5 Acid Sulfate soils. Further assessment will be undertaken at the development application stage where necessary.
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	As stated in Section B-Relationship to Strategic

S117 Direction	Applicable	Consistent
		Planning Framework the proposal is consistent with the Lower Hunter Regional Strategy.
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	
5.8 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	
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	No	

Section C - Environmental, social, and economic impact

8. 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 sites currently contain residential dwellings. Council does not have information to suggest that the site contains critical habitat or threatened species. It is unlikely that critical habitat or threatened species, populations or ecological communities or their habitat will be adversely affected by the proposal.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The proposal is not known to have any significant environmental impact. Any environmental impacts from the proposed road widening will be considered at the detailed design stage.

10. How has the planning proposal adequately addressed any social and economic effects?

The proposal will have an economic impact on Council and the property owners of the subject sites. Council is required to pay compensation to the owners of the subject sites when they acquire the land. The change to the land reservation acquisition map slightly reduces the amount of compensation Council has to pay to property owners as the portion of land to be acquired has reduced.

Section D - State and Commonwealth interests

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

Yes, existing infrastructure is adequate to meet the needs of the proposal.

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

This section is to be completed in more detail following consultation with the State and Commonwealth Public Authorities as identified in the Gateway Determination.

Part 4 – Community Consultation

Council recommends that the planning proposal be exhibited in accordance with the requirements of Section 57 of the EP&A Act 1979.

Pursuant to the Department of Planning and Infrastructure's guidelines, '*A guide to preparing a local environmental plans*', the proposed amendment is considered to be a low impact proposal as it is:

- consistent with the pattern of surrounding land use zones and/or land uses;
- consistent with the strategic planning framework;
- presents no issues with regard to infrastructure servicing;
- not a principal LEP; and
- does not reclassify public land.

Low impact proposals are generally placed on public exhibition for a period of 14 days. However the required timeframe will be confirmed at the Gateway Determination.

PP2012/01.08: F3 Freeway to Raymond Terrace Upgrade

Summary of Proposal

Proposal	To include the designated route for the F3 Freeway to Raymond Terrace Upgrade on Newcastle LEP 2012 Land Reservation Acquisition Map.
Property Details	The proposed freeway affects part of Lot 102 DP 846451, Lot 1 DP 832660, Lot 103 DP 1084709, Lot 50 DP 879741, Lot 4 DP 735235, Lot 101 DP 846451, Lot 1617 DP 1153099, 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 (as shown in Map 1)
Applicant Details	Roads and Maritime Services (RMS)
Land owner	Various

Background

The Pacific Highway upgrade between the F3 Freeway and Raymond Terrace involves a 15 kilometre dual carriageway upgrade of the Pacific Highway bypassing Heatherbrae. Roads and Maritime Services (formerly Roads and Traffic Authority) has undertaken investigations to upgrade the Pacific Highway to provide the 'missing link' between the F3 Freeway south of John Renshaw Drive and the Raymond Terrace bypass. See **Figure 1** Location Map.

The Roads and Maritime Services (RMS) approached Council to "formally reserve" the proposed road corridor in Newcastle LEP 2012).

The RMS will seek approval for the proposed F3 Freeway to Raymond Terrace upgrade under Part 5.1 State Significant Infrastructure of the Environmental Planning and Assessment Act 1979 (EP&A Act) previously Part 3A of the Act. The upgrade has been declared under Schedule 5 of the State Environmental Planning Policy (State and Regional Development) 2011 as Critical State Significant Infrastructure.

The RMS has requested that Council place the lands required for acquisition, in the Land Reservation Acquisition Maps as contained within the Newcastle LEP 2012. The rezoning of lands to SP2 Infrastructure occur as part of the assessment and determination under State Environmental Planning Policy (State and Regional Development) 2011.

Site

The upgrade of a 15 kilometre section of the Pacific Highway between the F3 Freeway and Raymond Terrace crosses over Newcastle and Port Stephens local government areas.

The proposed freeway affects part of Lot 102 DP 846451, Lot 1 DP 832660, Lot 103 DP 1084709, Lot 50 DP 879741, Lot 4 DP 735235, Lot 101 DP 846451, Lot 1617 DP 1153099, 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 (as shown in **Figure 1**)

The lands are of environmental significance and constrained by flooding, bushfire, and acid sulfate soils.

The lands are currently zoned E4 Environmental Living, E2 Environmental Conservation, IN3 Heavy Industrial, and W2 Recreational Waterways under Newcastle LEP 2012 (as shown in **Figure 2**).

Internal consultation

The proposal was considered by Councils LEP Advisory Panel on 29 February 2012. The panel consists of technical experts from within Council including representatives from Compliance, Development and Building, and Strategic Planning. The recommendations of the panel are incorporated into this planning proposal.



Newcastle Local Environmental Plan 2012

Location Map

Cadastre

-  LGA boundary
-  Proposed F3 to Raymond Terrace upgrade
-  Suburb boundary

NORTH

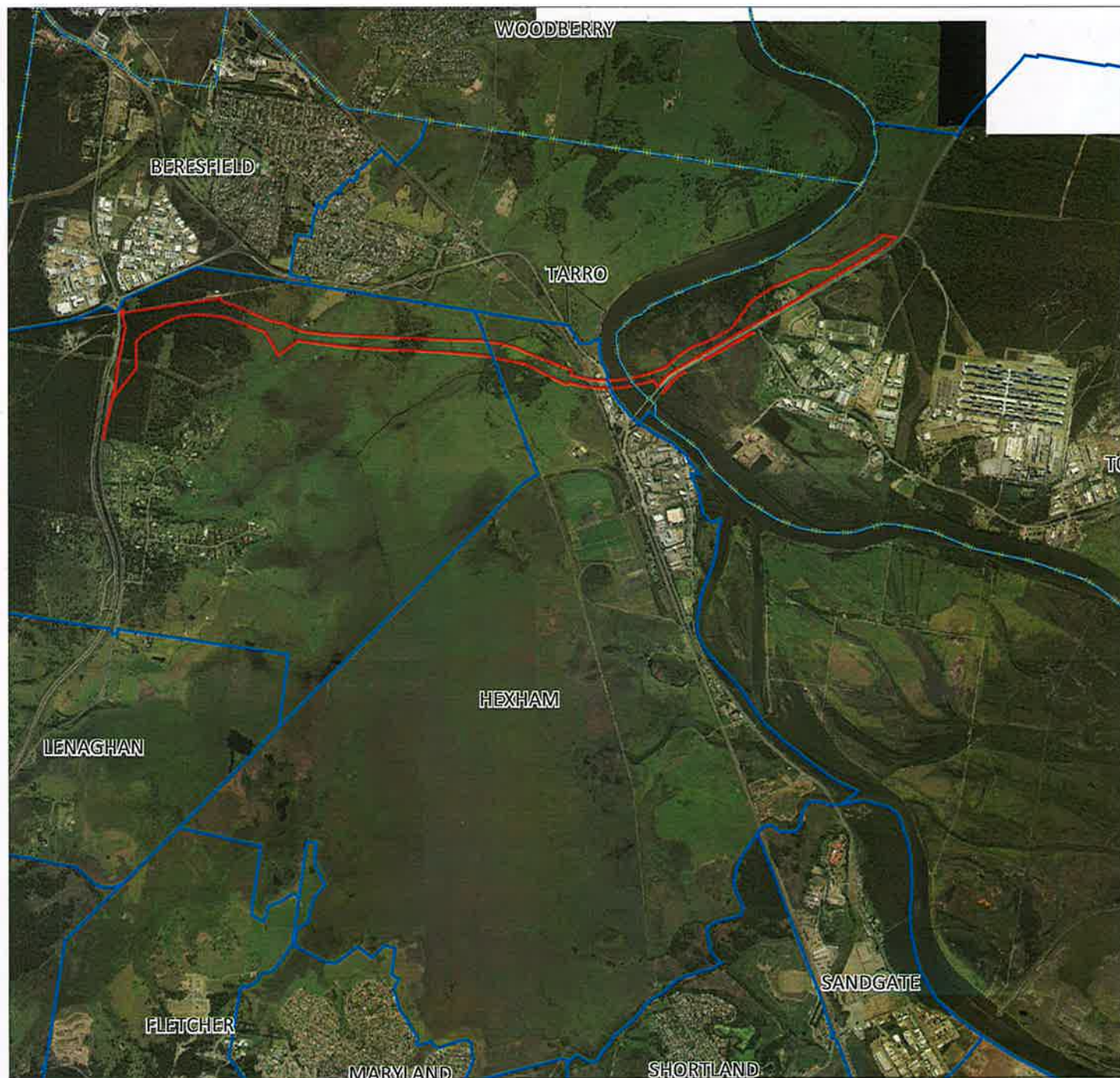
Projection GDA 1994
Zone 56

0 1 2
Kilometre

Scale 1:50,000 @ A4

Map identification number:

FIGURE 1





Newcastle Local Environmental Plan 2012

Land Zoning Map

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

Cadastral

- Cadastral base data 01/08/2007 © LPMA
- Addendum data 20/11/2012 © Newcastle City Council
- Proposed F3 to Raymond Terrace upgrade

NORTH

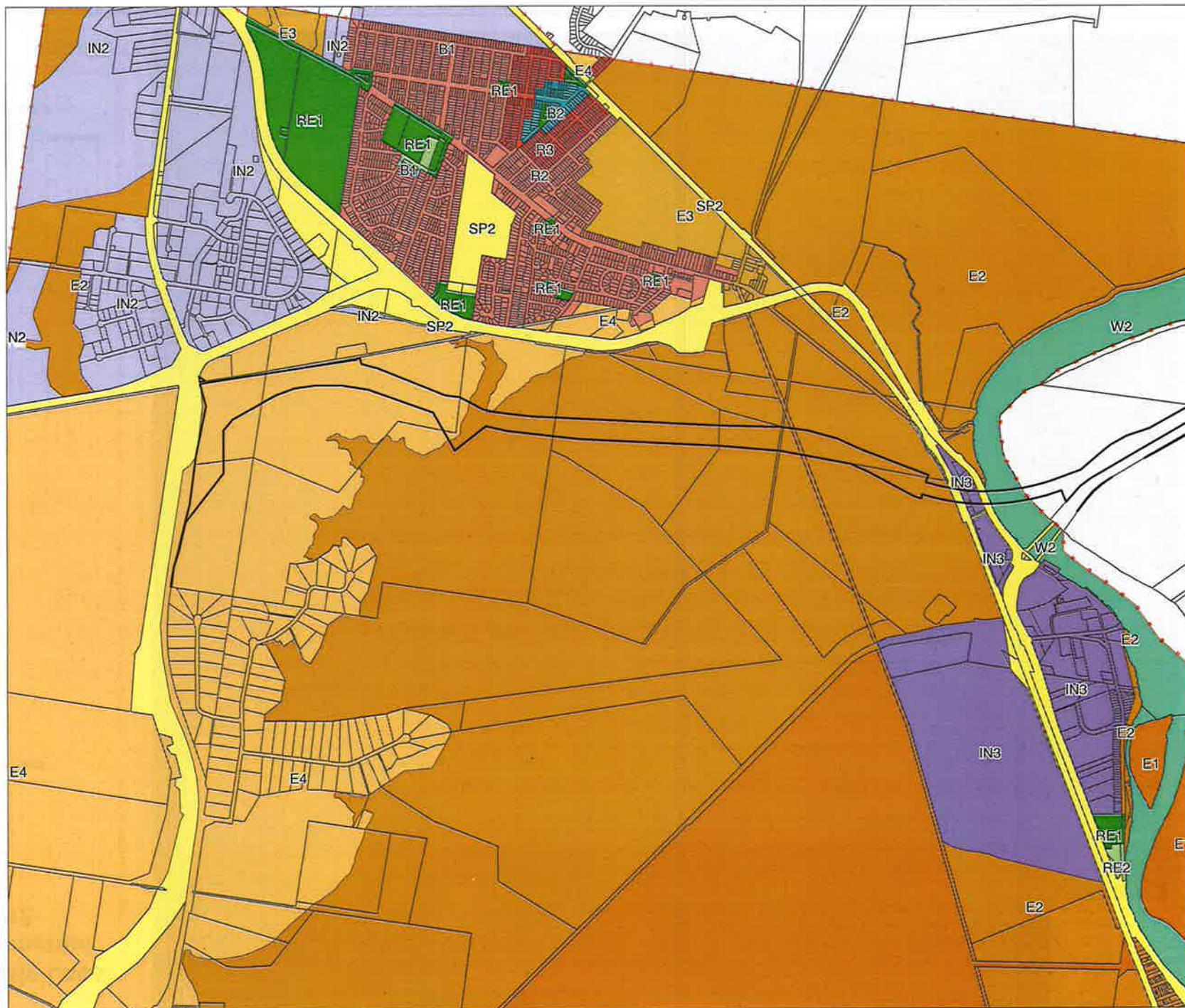
0 200 400 600 800
Metres

Projection GDA 1984
Zone 56

Scale 1:20,000 @ A3

Map identification number:

FIGURE 2



Part 1 - Objectives or Intended Outcomes

To enable the acquisition of land by RMS for the adopted route of the F3 Freeway to Raymond Terrace Upgrade.

Part 2 - Explanation of Provisions

The intended outcome is to be achieved through the following amendments to Newcastle Local Environmental Plan 2012:

- Inclusion of the proposed "Classified Road" corridor within the Land Acquisition Reservation Map, as shown in **Figure 3: Proposed Land Acquisition Map**.
- Amendment of Part 5.1 '*Relevant acquisition authority*' to include:
 - Addition of wording, Zone W2 Recreational Waterways and marked "Classified Road", under the column titled, 'Type of land shown on Map'; and
 - Addition of wording, Roads and Maritime Services, under the column titled, 'Authority of the State'.
- Amendment of Part 5.1A '*Development on land intended to be acquired for public purposes*' to include:
 - Addition of wording, Zone W2 Recreational Waterways and marked "Classified Road", under the column titled, 'Land'; and
 - Addition of wording, Earthworks; public utility undertaking, under the column titled, 'Development'.



Newcastle Local Environmental Plan 2011

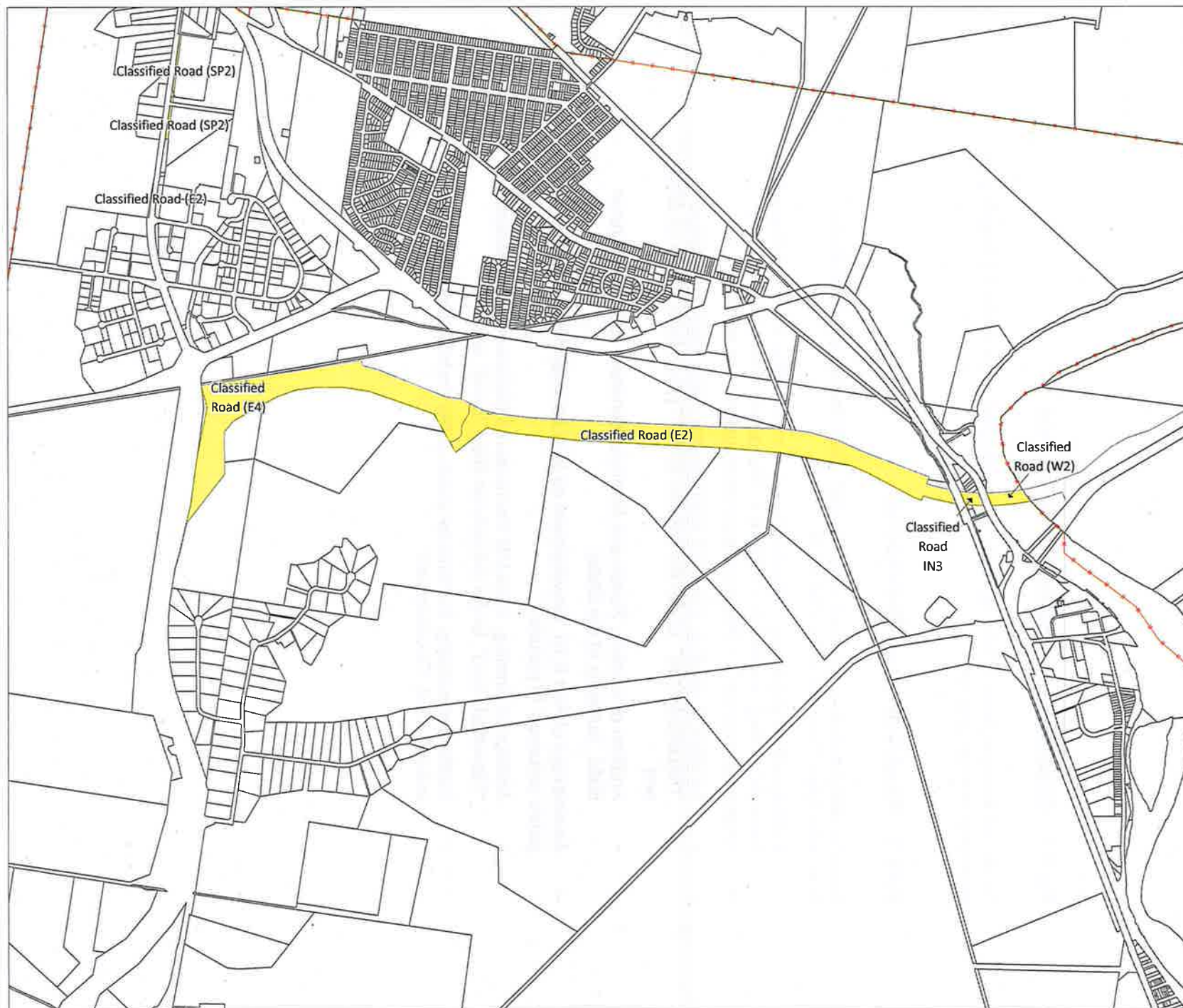
Proposed Land Reservation Acquisition Map

Land Reservation Acquisition

- Classified Road (E2)
- Classified Road (E4)
- Classified Road (IN3)
- Classified Road (SP2)
- Classified Road (W2)

Cadastral

Cadastral base data 01/08/2007 © LPMA
Addendum data 20/11/2011 © Newcastle City Council



NORTH

0 200 400 600 800
Metres

Projection GDA 1994
Zone 56

Scale 1:20,000 @ A3

Map identification number:

FIGURE 3

Part 3 – Justification

The Land Reservation Acquisition Map and written instrument is proposed to be amended to “formally reserve the corridor” as requested by the RMS. The boundaries of the corridor are based on the final concept design prepared by RMS. The contents of the F3 Freeway to Raymond Terrace, Concept Design Submissions Report prepared by RMS in December 2010 informed this planning proposal.

Section A - Need for the planning proposal

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

Yes the planning proposal is a result of the RMS Pacific Highway Upgrade Program.

The planning proposal is consistent with the objectives of the upgrade in addition to improving the connection between the F3 Freeway and the Pacific Highway.

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

The RMS have requested that Council amend Newcastle LEP 2012, to reflect the designated route for the F3 to Raymond Terrace upgrade, by inclusion on the Land Reservation Acquisition Map and also amendment to the zoning of lands to SP2 Infrastructure.

Due to lack of environmental studies provided to Council by the RMS, Council is unable to satisfy itself that the lands are suitable for the envisaged infrastructure purposes, given the lands are of environmental significance and are constrained by flooding, bushfire, acid sulfate soils, etc.

Hence Council officers recommend that the designated route be included on the Newcastle LEP 2012 Land Reservation Acquisition Map as part of this Planning Proposal but that land use zoning be addressed when the RMS seeks approval for the overall project from the Department of Planning and Infrastructure (DPI), under State Environmental Planning Policy (State and Regional Development) 2011.

Council understands that this proposal is inconsistent with the DPI circular PN 07–001, which states; “Land which is reserved for one of the public purposes listed under section 26(1) (c) of the Environmental Planning and Assessment Act 1979 (EP&A Act) and which has not yet been acquired and used for its intended public purpose is to be zoned according to its intended future use...”

As such Council awaits direction from the DPI Gateway determination as to the suitability for this component of this planning proposal to proceed prior determination of this project under State Environmental Planning Policy (State and Regional Development) 2011.

3. Is there a net community benefit?

The following table examines the net community benefit of the proposed LEP.

Table 1: Net community Benefit, Draft Centres Policy

Evaluation Criteria	Evaluation	Benefit
Will the LEP be compatible with agreed State and regional strategic direction for development in the area?	No, the area is defined as the Watagan Stockton and Wallarah Green Corridors and rural and resource land in the Lower Hunter Regional Strategy. The project is identified in the NSW State Government's plan to upgrade the freeway.	Potentially negative however Council does not have enough information to determine this. Positive
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	No	Not applicable
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	It is highly unlikely for the RMS, or other state agencies, to request the inclusion of land within the Land Reservation Acquisition Map within Newcastle LEP 2012 unless there is a valid reason associated to the provision of Infrastructure. However, if the land were to be rezoned from an Environmental zoning to Special Use without suitable information, this could set an undesirable precedent.	Neutral
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations	Not applicable as there are no proposed spot rezoning proposals in the locality relevant to this proposal.	Not applicable

Evaluation Criteria	Evaluation	Benefit
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No, the construction of the road will not result in permanent employment generating activity. The majority of lands do not provide significant employment. However, the proposal will result in a small loss of land used for grazing, and land zoned industrial.	Neutral / Negative
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	No	Neutral
Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The proposed corridor aims to improve transport services and facilities and has been requested by RMS.	Positive
Will the proposal result in changes to the car distances travelled by customers, employees, and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	Yes, The proposed corridor aims to reduce travel times and therefore greenhouse gases by providing "the missing link".	Positive
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	Yes, the proposed corridor is part of significant government investments in infrastructure.	Positive

Evaluation Criteria	Evaluation	Benefit
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	Yes. The area is defined as the Watagan Stockton and Wallarah Green Corridors in the Lower Hunter Regional Strategy. This is defined as areas of high conservation values joining key corridors through the region. Lands within the corridor should be managed for conservation purposes. The area is affected by flooding. The draft Newcastle City-wide Floodplain Risk Management Study and Plan 2011 identifies the lands as floodway, flood storage and flood fringe. The area is also affected by bushfire categories 1 and 2. The area contains Class 1, 2, 4 and 5 Acid Sulfate Soils.	Negative
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve	Yes, The proposal is to improve the freeway. The preferred route was developed to have minimal impact on urban areas. The public domain is unlikely to be improved.	Neutral
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	No	Not relevant
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	No	Not relevant

Evaluation Criteria	Evaluation	Benefit
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	To improve connection between the F3 freeway and the Pacific Highway. Not proceeding would inhibit RMS to acquire the relevant land for the corridor.	Positive

Section B - Relationship to strategic planning framework

4. 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)?

Yes; the Transport section of the Lower Hunter Regional Strategy identifies *improvements to the north–south access through the Region, including planning the linkage of the F3 to the Pacific Highway at Raymond Terrace and planning and construction of upgrades to the Pacific Highway as a future action.*

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Yes. The Community Strategic Plan aims to create a 'connected city', where transport networks and services are to be well connected encouraging energy efficiency.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The table below outlines Council's consideration of State Environmental Planning Policies (SEPPs) in relation to the planning proposal.

Table 2: Consistency with State Environmental Planning Policies

SEPP	Applicable	Consistent	Justification
SEPP (Infrastructure) 2007	Yes	Yes	Development for the purpose of a road or road infrastructure facilities may be carried out by or on behalf of a public authority without consent on any land.
SEPP (Temporary Structures) 2007	No		

SEPP	Applicable	Consistent	Justification
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	No		
SEPP (Major Development) 2005	No		
SEPP (Building Sustainability Index: BASIX) 2004	No		
SEPP (Housing for Seniors or People with a Disability) 2004	No		
SEPP No. 71 - Coastal Protection	Yes	No	The lands are identified as both the sensitive coastal zone and coastal zone under SEPP 71. Further investigation is required if a rezoning is to proceed. The policy requires certain development applications to carry out development in sensitive coastal locations to be referred to the Director-General for comment, and identifies master plan requirements for certain development in the coastal zone.
SEPP No. 65 - Design Quality of Residential Flat Development	No		
SEPP No. 64 - Advertising and Signage	No		
SEPP No. 62 - Sustainable Aquaculture	No		
SEPP No. 55 - Remediation of Land	No		
SEPP No. 50 - Canal Estates	No		
SEPP No. 44 - Koala Habitat Protection	Yes	Yes	Further investigation is required if a rezoning is to proceed.

SEPP	Applicable	Consistent	Justification
SEPP No. 36 - Manufactured Home Estates	No		
SEPP No. 21 - Caravan Parks	No		
SEPP No. 33 - Hazardous and Offensive Development	No		
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	No		
SEPP No. 30 - Intensive Agriculture	No		
SEPP No. 22 - Shops and Commercial Premises	No		
SEPP No. 14 - Coastal Wetlands	Yes	No	Further investigation is required if a rezoning is to proceed.
SEPP No. 6 - Number of Storeys in a Building	No		
State Environmental Planning Policy (Urban Renewal) 2010	No		
SEPP (Affordable Rental Housing) 2009	No		
SEPP (Major Development) Three Ports	No		
SEPP (Major Development) Tomogo Industrial site 2005	No		
SEPP (State and Regional Development) 2011	Yes	Yes	Listed as State Significant Infrastructure

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Section 117 Directions relevant to this planning proposal are addressed in the table below:

Table 3: Consistency with Section 117 Directions

Summary of s.117 Direction	Consistency
1.1 Business and Industrial Zones	No the proposal is inconsistent with this direction. Further investigation required as IN3 lands are required for road acquisition.
2.1 Environment Protection Zones	No the proposal is inconsistent with this direction. Further investigation required if a rezoning is to follow.
2.2 Coastal Protection	No the proposal is inconsistent with this direction. Further investigation required if a rezoning is to follow.
3.4 Integrating Land Use and Transport	Yes the proposal is consistent with this direction.
4.1 Acid Sulfate Soils	No the proposal is inconsistent with this direction. Further investigation required if a rezoning is to follow.
4.3 Flood Prone Land	No the proposal is inconsistent with this direction. Further investigation required if a rezoning is to follow.
4.4 Planning for Bushfire Protection	No the proposal is inconsistent with this direction. Further investigation required if a rezoning is to follow.
5.1 Implementation of Regional Strategies	Yes
6.1 Approval and Referral Requirements	Yes the proposal is consistent with this direction.
6.2 Reserving Land for Public Purposes	Yes the proposal is consistent with this direction. When the lands are better investigated a rezoning to the sites future use should occur.
6.3 Site Specific Provisions	Yes the proposal is consistent with this direction.

Section C - Environmental, social, and economic impact

8. 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?

Yes there is likelihood that critical habitat and threatened species will be affected as a result of the proposal. Further investigation is required should a rezoning proceed.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The planning proposal will enable the RMS to acquire land for the purposes of a future road corridor. However, the rezoning of lands is not proposed under this planning proposal and will not occur until proper environmental investigation of lands occurs.

10. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal has addressed social and economic effects. The proposed corridor was identified by RMS in consultation with the community. The proposed route bypasses existing urban areas to address potential community concerns and impacts. The access arrangements to Heatherbrae from the highway have been considered to minimise affects on businesses.

Section D - State and Commonwealth interests

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

Further studies will be conducted closer to the construction of the project and when funds are available. The RMS will need to address this question should the planning proposal proceed.

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

The RMS has consulted extensively with State and Commonwealth public authorities during preparation of the preferred route.

However this section will be completed following consultation with the State and Commonwealth Public Authorities that are identified in the Gateway determination.

Part 4 – Community Consultation

It should be noted that RMS has undertaken extensive community consultation as part of determining the preferred route.

Council recommends that the planning proposal be exhibited in accordance with the requirements of Section 57 of the EP&A Act 1979.

Pursuant to the Department of Planning and Infrastructure's guidelines, '*A guide to preparing a local environmental plans*', the proposed amendment is considered to be a low impact proposal as it is:

- consistent with the pattern of surrounding land use zones and/or land uses;
- consistent with the strategic planning framework;
- presents no issues with regard to infrastructure servicing;
- not a principal LEP; and
- does not reclassify public land.

Low impact proposals are generally placed on public exhibition for a period of 14 days. However the required timeframe will be confirmed at the Gateway Determination.