

Tiral Street Charlestown - Commercial and Seniors Development

Proposal Title : **Tiral Street Charlestown - Commercial and Seniors Development**

Proposal Summary : **To insert commercial premises and restaurant as an additional permitted use on land at Tiral Street Charlestown to support a proposed seniors housing development.**

The subject site is currently zoned 2(2) Residential (Urban Living) with a small area zoned 5 Infrastructure. Seniors Housing is permitted in the 2(2) zone, however the commercial office and restaurant component of the proposed development are prohibited development.

PP Number : **PP_2013_LAKEM_002_00**

Dop File No :

12/17629

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions :

- 1.1 Business and Industrial Zones**
- 3.4 Integrating Land Use and Transport**
- 4.2 Mine Subsidence and Unstable Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.3 Site Specific Provisions**

Additional Information : **The Planning Proposal should proceed subject to the following conditions:**

1. Prior to exhibition, Council is to prepare a preliminary concept plan which identifies the location of the proposed uses and facilities for the site. The preliminary concept plan should be included in the public exhibition material.

2. Council is to proceed with the planning proposal as a rezoning unless work on the preliminary concept plan demonstrates a need for inserting an additional permitted use. Council is to seek an amendment to the Gateway determination, outlining the outcomes of the concept plan work, if that is the case.

3. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required by Council an updated site contamination investigation report should be prepared to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.

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

(a) the planning proposal must be made publicly available for 28 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

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

- Hunter Water Corporation**
- Transport for NSW – Roads and Maritime Services**
- Rural Fire Service**
- Mine Subsidence Board**
- Awabakal Local Aboriginal Land Council**

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

6. Council is to consult with the NSW Rural Fire Services as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.

7. Council is to consult with the Mine Subsidence Board as per the requirements of S117 Direction 4.2 – Mine Subsidence and Unstable Land and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.

8. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

9. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

Development of the site for seniors housing is supported as it achieves aims of the LHRS Strategy in relation to providing housing for seniors within a major regional centre. However, permitting commercial premises over the entire site and up to 50% of the GFA is not supported. It is considered that completion of preliminary concept plan for the site will be able to identify the area required for commercial uses, and thus allow appropriate zoning, or adequately demonstrate that an additional permitted use is justified.

Panel Recommendation

Recommendation Date : **14-Feb-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The planning proposal should proceed subject to the following conditions:

Recommendation :

1. Council's proposed provision to include commercial premises and restaurant as additional permitted uses on land at 27 Tiral Street, Charlestown is not supported and should be removed from the planning proposal. Council is to zone the area of the site it seeks to permit commercial premises and restaurants to an appropriate business zone, which permits these uses. Council is to amend the planning proposal and include proposed zoning maps, at an appropriate scale and which clearly identify the subject site to reflect the above approach prior to undertaking public exhibition. Council may consider amending the planning proposal to include additional controls to limit the scale of the potential development, such as floor space ratio and building height controls.
2. Prior to undertaking public exhibition, Council is to consider preparing a preliminary concept plan which identifies the location of the proposed uses and facilities on the site and exhibit this additional information with the planning proposal. This will assist in determining the proposal's consistency with S117 Direction 1.1 Business and Industrial Zones and Direction 5.1 Implementation of Regional Strategies.
3. Prior to undertaking public exhibition, Council is to amend the planning proposal to include a project timeline, consistent with Section 2.6 Part 6 of the A Guide to Preparing Planning Proposals. The project timeline is to provide a mechanism to monitor the progress of the planning proposal.
4. Council is to consult with the Mine Subsidence Board in accordance with S117 Direction 4.2 Mine Subsidence and Unstable Land and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.

5. Council is to consult with the NSW Rural Fire Services as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.

6. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, Council is to prepare an updated site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.

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

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012).

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

- NSW Aboriginal Land Council - Awabakal Local Aboriginal Lands Council
- Hunter Water Corporation
- Mine Subsidence Board
- NSW Rural Fire Service
- Transport for NSW – Roads and Maritime Services

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

9. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

10. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature: _____

Printed Name: _____

Date: _____

25.2.13