

Agenda Report

ACTION ITEM

Ordinary Council
Tuesday, 12 March 2013

**SUBJECT: CCL 12/03/13 - PROPOSED AMENDMENTS TO THE
NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012**

RESOLVED: (Councillors B Luke/S Waterhouse)

Council resolves to:

- a) Endorse the attached planning proposals to amend Newcastle LEP 2012, pursuant to Section 55 of the *Environmental Planning and Assessment (EP&A) Act 1979*, in order to:
 - (i) Validate the current use of land, owned and occupied by the University of Newcastle as Infrastructure (Educational Establishment), at 70 Vale Street Shortland, described as Lot 101 DP 881682, further as outlined in **Attachment A**.
 - (ii) Reclassify land at 3 Northern Avenue Tarro, described as Lot 22 DP 513106 from community to operational and enable the intended use of the land, being part of the adjoining primary school, as outlined in **Attachment A**.
 - (iii) Enable the extension of Newcastle Eye Hospital located at the corner of Griffiths and Christo Roads, Waratah, on land described as Lots 1 and 2 DP 1114442, Lot 100 and 101 DP 569322, and Lot 2 DP 21366, as outlined in **Attachment A**.
 - (iv) Clarify Council's requirements with respect to the Clause 4.1A Exceptions to minimum lot sizes for certain residential development, as outlined in **Attachment A**.
 - (v) Enable medium density residential development on land at 44 and 46 George Street, 9 and 17 James Street, 2 John Street, 1, 3, 5, 7, 9, 11, 13, 15, and 17 Robert Street Wallsend, described as Lots 1 and 2 DP 782449, Lot 100 DP 830522, Lots 8 and 9 DP 215847, Lot 1 DP 1128915, Lots 1 and 2 DP 785573, Lots a and 7 DP 21506, Lot 1 DP 199439, Lot 10 DP 732886, Lot 9 DP 742252, Lot 11 DP 743842, Lot 1 DP 997805, Lot 1 DP 1037859, Lots 12 and 13 DP 1047638, and Lot 78 DP 1083035, as outlined in **Attachment B**.
 - (vi) Validate the current land uses on land at 113 to 125 Parry St Newcastle West and 41 to 43 Denison St Hamilton East, described as lots 9 to 14 DP 456092, Lot 1 DP 551981, Lot 3 DP 630408 and Lot 101 DP 701314, and provide for a greater mix of permissible uses on the land, as outlined in **Attachment C**.

- (vii) Enable the expansion of Lingard Hospital on land at 10 Mitchell Street, 2, 4, 6, and 8 Lingard Street, and 16 Merewether Street Merewether, described as Lots 1 to 11 SP 48635, Lots 3 and 10 in Section 3 of DP 111239, Lots 1 and 2 DP 198946, Lots 1 and 4 DP 218920, Lot 7 DP 741487, Lot 1564 DP 775503, and Lots 1 to 3 DP 1027546, and provide for a range of business land uses on the land, as outlined in **Attachment D**.
- (viii) Enable low density residential development on land at 156 Cardiff Road, Elmore Vale, described as Lot 39 DP 711005, as outlined in **Attachment E**.
- (ix) Enable low density residential development on part of the land at 60-80 Sandgate Road Wallsend, described as Lot 2 DP 608814 and Lot 111 DP 541783, as outlined in **Attachment F** as amended by Memo from the Director Future City dated 8 March 2013, titled *Addendum to Item 15 of Council Report 12/03/46 – Proposed amendments to the Newcastle Local Environmental Plan 2012* in that:

The Planning Proposal for 60-80 Sandgate Road will be amended by deleting the statements on page ii and page 2 before sending the planning proposal to the Gateway for determination.

- b) Forward the planning proposals to the Minister for Planning and Infrastructure for gateway determination pursuant to Section 56 of the *EP&A Act 1979*.
- c) Advise the Director-General of the Department of Planning and Infrastructure that Council does not seek to exercise delegations for undertaking Section 59(1) of the *EP&A Act 1979*.
- d) Consult with the community and relevant government agencies as instructed by the gateway determination.
- e) Receive a report back on any planning proposal to which a written objection is received during consultation with the community as per the requirements of Section 57 of the *EP&A Act 1979*; otherwise forward the planning proposals to the Department of Planning and Infrastructure requesting to make the proposed amendments to Newcastle LEP 2012.

Internal Memo

TO: All Councillors

CC: Acting General Manager

FROM: Director Future City

DATE: 8 March 2013

SUBJECT: Addendum to Item 15 of Council Report CCL 12/03/13 - Proposed amendments to the Newcastle Local Environmental Plan 2012

Attention is drawn to page ii and page 2 of Attachment F – Planning Proposal – 60-80 Sandgate Road Wallsend of Item 15 - CCL 12/03/13 - PROPOSED AMENDMENTS TO THE NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012 within the Ordinary Council Meeting Agenda 12 March 2013. A statement appears on each of those pages to the effect that residential development may only be permitted with consent on the land where a development application is lodged for a Seniors Living Development under State Environmental Planning Policy (SEPP) Seniors Living. That was the position under the former LEP 2003.

Since the coming into force of the 2012 Local Environmental Plan in June 2012 the subject site has been zoned E2 Environmental Conservation and E3 Environmental Management. The SEPP Seniors Living does not apply to land which is zoned E2 Environmental Conservation or E3 Environmental Management under the 2012 LEP and accordingly, under the current zoning no medium density residential development is permissible, including such residential development under the SEPP. The Council has recently commenced proceedings in the Land & Environment Court on this basis. Accordingly, it is necessary to rezone the site for such residential development to be permissible on this site.

The Planning Proposal for 60-80 Sandgate Road will be amended by deleting the statements on page ii and page 2 before sending the planning proposal to the Gateway for a determination.

For further information in relation to the Land and Environment Court proceedings please contact Tammy Cootes, Acting Manager Governance and Council Services on 4974 2464, for further information in relation to the planning proposal please contact Jill Gaynor, Manager Strategic Planning Services on 4974 2707.

Judy Jaeger
DIRECTOR FUTURE CITY

**SUBJECT: CCL 12/03/13 - PROPOSED AMENDMENTS TO THE
NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012**

REPORT BY: FUTURE CITY
**CONTACT: DIRECTOR FUTURE CITY / MANAGER STRATEGIC
PLANNING SERVICES**

PURPOSE

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

RECOMMENDATION

1 Council resolves to:

- a) Endorse the attached planning proposals to amend Newcastle LEP 2012, pursuant to Section 55 of the *Environmental Planning and Assessment (EP&A) Act 1979*, in order to:
 - (i) Validate the current use of land, owned and occupied by the University of Newcastle as Infrastructure (Educational Establishment), at 70 Vale Street Shortland, described as Lot 101 DP 881682, further as outlined in **Attachment A**.
 - (ii) Reclassify land at 3 Northern Avenue Tarro, described as Lot 22 DP 513106 from community to operational and enable the intended use of the land, being part of the adjoining primary school, as outlined in **Attachment A**.
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Lot 101 DP 701314, and provide for a greater mix of permissible uses on the land, as outlined in **Attachment C**.

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 - (viii) Enable low density residential development on land at 156 Cardiff Road, Elernmore Vale, described as Lot 39 DP 711005, as outlined in **Attachment E**.
 - (ix) Enable low density residential development on part of the land at 60-80 Sandgate Road Wallsend, described as Lot 2 DP 608814 and Lot 111 DP 541783, as outlined in **Attachment F**.
- b) Forward the planning proposals to the Minister for Planning and Infrastructure for gateway determination pursuant to Section 56 of the *EP&A Act 1979*.
 - c) Advise the Director-General of the Department of Planning and Infrastructure that Council does not seek to exercise delegations for undertaking Section 59(1) of the *EP&A Act 1979*.
 - d) Consult with the community and relevant government agencies as instructed by the gateway determination.
 - e) Receive a report back on any planning proposal to which a written objection is received during consultation with the community as per the requirements of Section 57 of the *EP&A Act 1979*; otherwise forward the planning proposals to the Department of Planning and Infrastructure requesting to make the proposed amendments to Newcastle LEP 2012.

KEY ISSUES

- 2 The planning proposal at **Attachment A** is unlikely to require further technical studies. The remaining requests are proposed to be processed as individual planning proposals with the detail and justification in **Attachments B to F**.
- 3 The planning proposals detail the type of amendment recommended to Newcastle LEP 2012 in order to achieve the intended outcomes. Furthermore, the planning proposals document the issues considered in assessing the appropriateness of the proposed amendment/s, and identify what further information may be required.
- 4 The planning proposals were prepared in accordance with the Department of Planning and Infrastructure's guidelines and Council's Local Environmental Plan – Request for Amendment Policy.

- 5 If endorsed by Council, the planning proposals will be forwarded to the Minister of Planning and Infrastructure for gateway determination. Gateway determination will confirm initial support for the draft planning proposal, and identify what further technical studies and community consultation are required prior to the proposed amendments being made.
- 6 Strategic Planning staff recommend that Council do not seek delegations under Section 59(1) of the *EP&A Act 1979* given the added impost on Council resources without any additional influence on the outcomes. These delegations obligate Council to prepare the final reporting, drafting and mapping in order for the Minister of Planning and Infrastructure to 'make' the proposed amendments to Newcastle LEP 2012. Where Council does not exercise these delegations, the Department of Planning and Infrastructure undertakes these requirements.
- 7 **Attachments A to F** outline the issues identified and considered by staff in evaluating the proposed amendment to Newcastle LEP 2012.

FINANCIAL IMPACT

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

COMMUNITY STRATEGIC PLAN ALIGNMENT

- 11 The preparation and processing of the attached draft planning proposals aligns to the strategic direction '*Open and Collaborative Leadership*' identified within the Newcastle Community Strategic Plan 2030.
- 12 Compliance with the LEP amendment process, in particular section 57 of the *EP&A Act 1979*, will assist in achieving the strategic objective; "*Consider decision-making based on collaborative, transparent and accountable leadership*" and the identified strategy 7.2b, which states: "*Provide opportunities for genuine and representative community engagement in local decision making*".

IMPLEMENTATION PLAN/IMPLICATIONS

- 13 The preparation of the attached planning proposals was undertaken in accordance with Council's Local Environmental Plan – Request for Amendment Policy (2012). This policy identifies Council's processes and responsibilities in

applying the requirements of Part 3 of the *EP&A Act 1979* for amending an LEP.

RISK ASSESSMENT AND MITIGATION

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

RELATED PREVIOUS DECISIONS

- 17 Newcastle LEP 2012 was adopted by Council on 21 June 2011.

CONSULTATION

- 18 Each planning proposals outlines the level of consultation required. This is in accordance with the Department of Planning's Guide to Preparing Local Environmental Plans. Low Impact proposals are exhibited for 14 days. These include proposals that are consistent with the pattern of surrounding land use zones and/or land uses; are consistent with the strategic planning framework; present no issues with regard to infrastructure servicing; are not for a principal LEP and do not reclassify public land. All other planning proposals are exhibited for 28 days.
- 19 The gateway determination will confirm the consultation requirements, however, it is envisaged that this will include a public notice in the Newcastle Herald, letter to adjoining property owners, publication on the City of Newcastle web page, and written referral to relevant government agencies, which may include but are not limited to:
 - The Roads and Maritime Services (RMS)
 - NSW Mines Subsidence Board
 - NSW Rural Bushfire Service

OPTIONS

Option 1

- 20 The recommendation as at paragraph 1.

Option 2

- 21 Council resolves not to proceed with the planning proposals. This option is not recommended as it would not provide land owners opportunity to amend zoning and the community with the opportunity to provide feedback.

BACKGROUND

- 22 Council's Strategic Planning Services staff received a number of formal requests to amend Newcastle LEP 2012, which were processed in accordance with Council's 'LEP – Request for Amendment Policy'. This included evaluation by Council's LEP Advisory Panel, which is made up of staff across various areas of Council and covers a broad range of technical expertise.
- 23 As a result of the above, a number of planning proposals were prepared. Only some of these requests were grouped together in order to avoid unduly delaying the anticipated timeframe for completion.
- 24 The planning proposals (**Attachments A to F**) explain the need and justification for the proposed amendment to Newcastle LEP 2012 in further detail.

ATTACHMENTS

- Attachment A:** Planning Proposal – group amendments incorporating: 70 Vale Street, Shortland; 3 Northern Avenue, Tarro; Newcastle Eye Hospital, Waratah; and Clause 4.1A
- Attachment B:** Planning Proposal – 44 and 46 George Street, 9 and 17 James Street, 2 John Street, 1, 3, 5, 7, 9, 11, 13, 15, and 17 Robert Street, Wallsend
- Attachment C:** Planning Proposal – 113 to 125 Parry St, Newcastle West and 41 to 43 Denison St, Hamilton East
- Attachment D:** Planning Proposal - 10 Mitchell Street, 2, 4, 6, and 8 Lingard Street, and 16 Merewether Street, Merewether
- Attachment E:** Planning Proposal - 156 Cardiff Road, Elernmore Vale
- Attachment F:** Planning Proposal - 60-80 Sandgate Road, Wallsend

All attachments are distributed under separate cover.

**ORDINARY COUNCIL MEETING
12 MARCH 2013**

**CCL 12/03/13
PROPOSED AMENDMENTS TO THE NEWCASTLE LOCAL
ENVIRONMENTAL PLAN 2012**

- Attachment A:** Planning Proposal – group amendments incorporating:
70 Vale Street, Shortland; 3 Northern Avenue, Tarro;
Newcastle Eye Hospital, Waratah; and Clause 4.1A
- Attachment B:** Planning Proposal – 44 and 46 George Street , 9 and 17
James Street, 2 John Street, 1, 3, 5, 7, 9, 11, 13, 15,
and 17 Robert Street, Wallsend
- Attachment C:** Planning Proposal – 113 to 125 Parry St, Newcastle
West and 41 to 43 Denison St, Hamilton East
- Attachment D:** Planning Proposal - 10 Mitchell Street, 2, 4, 6, and 8
Lingard Street, and 16 Merewether Street, Merewether
- Attachment E:** Planning Proposal - 156 Cardiff Road, Elernmore Vale
- Attachment F:** Planning Proposal - 60-80 Sandgate Road, Wallsend

DISTRIBUTED UNDER SEPARATE COVER

Planning Proposal



70 Vale Street, Shortland

March 2013

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PLANNING PROPOSAL – 70 VALE STREET, SHORTLAND

Summary of Proposal

Proposal	Rezone land in Shortland from RE2 Private Recreation to SP2 Infrastructure (Educational Establishment)
Property Details	70 Vale Street, Shortland Lot 101 DP 881682
Applicant Details	de Witt Consulting Pty Ltd

Background

Council has received a request to amend Newcastle LEP 2012 in order to reflect the new ownership and use of the existing buildings on the site by the University of Newcastle for research purposes.

The site was previously owned by BHP and contained the BHP-Billiton research laboratories. The land is now owned by the University of Newcastle who have established the Newcastle Institute for Energy and Resources (NIER) on the site. The University has development consent from Council for the fit-out and occupation of the existing buildings for this purpose (DA/10/0417). The redevelopment of the site was facilitated by a \$30 million Education Investment Fund grant by the Federal Government and \$2.2 million from the NSW State Government. The University of NSW, University of Wollongong and CSIRO have joined the University of Newcastle in this project.

Under Newcastle LEP 2003 the site was zoned 6(a) Open Space and Recreation. This zone was converted to RE2 Private Recreation in Newcastle LEP 2012. Educational Establishments are not permitted in the RE2 zone.

The University has made a formal request to have the zoning changed to SP2 Infrastructure (Educational Establishment) similar to the zoning of the adjoining Callaghan Campus.

Site

The proposal consists of land at Lot 101 DP 881682, 70 Vale Street Shortland. It is approximately 3.7 hectares in area. Development on the site comprises several buildings that previously housed a BHP research facility, parking areas and roadways and landscaping. The buildings are now occupied by the NIER facility.

The Shortland Waters Golf Club adjoins the site to the north, the Newcastle Inner City Bypass is to the west and Newcastle University is to the south and east. Land to the west of the Inner City Bypass is zoned R2 Low Density Residential. Access to the site is via Vale Street which overpasses the Inner City Bypass. (See **Figure 1: Local Context** and **Figure 2: Air Photo of Site**).



Newcastle Local Environmental Plan 2012

Local Area Context Map

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site
-  Suburb boundary
-  LGA boundary



Projection GDA 1994
Zone 56

0 100 200m

Scale 1:5,000 @ A4

Planning Proposal - 70 Vale Street Shortland - Local Area Context Map





Newcastle Local Environmental Plan 2012

Site Air Photo Map

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site
-  Suburb boundary



Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 70 Vale Street Shortland - Site Air Photo Map



PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The objective is to rezone the site to reflect the current use and ownership of the site by the University of Newcastle for an educational establishment.

PART 2 - EXPLANATION OF PROVISIONS

It is proposed to amend the Newcastle LEP 2012 by rezoning the land from RE2 Private Recreation to SP2 Infrastructure (Educational Facility). This will involve amending the Land Zoning Map Sheet LZN_002E as it relates to Lot 101 DP 881682. It also involves an amendment to the Lot Size Map Sheet LSZ_002E to remove the minimum lot size of 40 hectares. The Newcastle LEP 2012 does not set minimum lot sizes for the SP2 Infrastructure zone.

PART 3 – JUSTIFICATION

Section A - Need for the planning proposal

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

No. However, the University has been identified in the Lower Hunter Regional Strategy as a regionally significant specialised centre and the planning proposal reinforces that designation.

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

Yes. The current zoning does not accurately reflect the existing use of the site. The site could rely on existing use rights and the provisions of clause 28(2)(b) of the Infrastructure SEPP that allows existing educational establishments to expand with consent. However, the proposed rezoning makes clear the intended outcomes for the land. The University advises that the correct zoning will assist in the preparation of its strategic asset management plan and better integrate this site with the existing Callaghan campus.

Section B - Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Lower Hunter Regional Strategy (2006)

The Lower Hunter Regional Strategy applies to the land. The aim of this Strategy is to ensure that adequate land is available to accommodate the projected housing and employment growth in the Hunter Region over the next 25 years.

The Callaghan Campus of the University of Newcastle is nominated as a specialised centre in the Lower Hunter Regional Strategy. The University advises that it has developed a strategy as required by the Lower Hunter Regional Strategy to maximise employment opportunities. The planning proposal will facilitate the objectives of the University's strategic directions report by providing greater certainty for the planning and development of the NIER site.

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

Newcastle 2030 Community Strategic Plan

Council adopted the Newcastle 2030 Community Strategic Plan in February 2011. The planning proposal primarily aligns to the strategic direction 'Open and Collaborative Leadership' identified within the Newcastle Community Strategic Plan 2030.

Compliance with the LEP amendment process, in particular section 57 – community consultation of the Environmental Planning and Assessment (EP&A) Act 1979, will assist in achieving the strategic objective; "Consider decision-making based on collaborative, transparent and accountable leadership" and the identified strategy 7.2b, which states: "Provide opportunities for genuine and representative community engagement in local decision making".

The proposal is also consistent with the strategic direction "smart and innovative city" which has strategies aimed at achieving a vibrant diverse and resilient green economy built on educational excellence and research.

Newcastle Urban Strategy (NUS)

The Newcastle Urban Strategy identifies the University as a major employment area. The planning proposal will assist in strengthening this position.

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

Consistency (of the planning proposal) with State Environmental Planning Policies is outlined in the table below.

Table 1 - Consideration of State Environmental Planning Policies

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 1—Development Standards	No	
State Environmental Planning Policy No 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	
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	No	
State Environmental Planning Policy No 47—Moore Park Showground	No	

Name of SEPP	Applicable	Consistency
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	Consistent. The site is not identified by Council as being contaminated. However past uses of the site may have included waste storage and iron and steel works which are listed in Table 1 of "Managing Land Contamination Planning Guidelines SEPP 55 - Remediation of Land" as activities that may cause contamination. A Detailed Site Investigation is currently being undertaken of the site in accordance with the NSW EPA "Guidelines for Consultants Reporting on Contaminated Sites". The university has also appointed a site auditor. The change in zoning will not affect the use or facilitate additional land uses not already permissible through the I-SEPP and any contamination identified through the Detailed Site Investigation will be remediated as necessary.
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	Consistent. Any future signage on the site that requires development consent will be assessed on its merits at that time..
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	No	
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	No	

Name of SEPP	Applicable	Consistency
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	Yes	Consistent. The proposal will amend the zoning to a prescribed zone under the SEPP.
State Environmental Planning Policy (Kosciusko National Park—Alpine Resorts) 2007	No	
State Environmental Planning Policy (Major Development) 2005	No	
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	
State Environmental Planning Policy (Rural Lands) 2008	No	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007	No	
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	
SEPP (State and Regional Development) 2011	No	

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

Consistency (of the planning proposal) with applicable Ministerial Directions is outlined in the table below.

Table 2 - Consideration of Section 117 Direction

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	Yes	Inconsistent. By amending the zone from RE2 to SP2 the proposal will remove the permissibility of Caravan Parks for the site. The inconsistency is considered to be of a minor nature and is justified by the University's Strategic Directions Report which was prepared with the involvement of the Dept of Planning. The inconsistency is minor as: - the zoning is to reflect the existing use of the site for an education facility; and - the current land use is a research facility and a caravan park is highly unlikely to be developed on the site.
3.3 Home Occupations	No	
3.4 Integrating Land Use and Transport	Yes	Consistent. The site is strategically located for the proposed use and will not affect transport choices.
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	

S117 Direction	Applicable	Consistent
4.4 Planning for Bushfire Protection	Yes	Consistent. The site is bushfire prone land. Consultation with the NSW Fire Service will be required following receipt of the Gateway determination.
5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	The planning proposal is consistent with the Lower Hunter Regional Strategy and does not undermine achievement of its vision, land use strategy, policies, outcomes, or actions.
5.2 Sydney Drinking Water Catchments	No	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.8 Second Sydney Airport: Badgerys Creek	No	
6. Local Plan Making		
6.1 Approval and Referral Requirements	No	
6.2 Reserving Land for Public Purposes	No	
6.3 Site Specific Provisions	No	

Section C - Environmental, social, and economic impact

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

No. None are identified. The rezoning will reflect the existing use of the site. The proposal does not involve the construction of any new buildings or works and will not impact existing vegetation.

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

Mine Subsidence

The site is not located within a Mine Subsidence District.

Hydrology and Water Management

The site is not located within a flood prone area.

Bushfire

According to Newcastle Bush Fire Hazard Map (2009) the land affected by bushfire risk or in the vicinity of such a risk.

Bushfire risk was considered as part of the development application assessment for the occupation and use of the buildings (DA 10/0417). This development application was approved by Council on 30 August 2010. Council consulted with the Rural Fire Service (RFS) and incorporated a number of RFS nominated conditions as part of the consent. A bushfire risk assessment was also completed more recently as part of an approval issued by Newcastle City Council (DA/11/0964) for a new research building on adjoining land. The construction of this adjoining building and its associated asset protection zones will further mitigate the bushfire threat for this site.

The RFS may be further consulted as part of any required consultation by the Gateway determination.

Heritage

There are no listed items of environmental heritage on site or in the vicinity of the site.

Contamination

Council records do not indicate that the site is affected by contamination. However the site was in used in the past by BHP for a research facility. Some research activities undertaken may have included waste storage and iron and steel works which are listed in Table 1 of "Managing Land Contamination Planning Guidelines SEPP 55 - Remediation of Land" as activities that may cause contamination. The site is currently subject to a Detailed Site Investigation in accordance with the NSW EPA "Guidelines for Consultants Reporting on Contaminated Sites" and a site auditor has been appointed by the university.

The rezoning will not change the existing use of the site as an educational facility. The change in zoning will not affect the use or facilitate additional land uses not already

permissible through the I-SEPP. Any contamination identified through the Detailed Site Investigation will be remediated as necessary.

Traffic Impacts and Vehicular and Pedestrian Access

Access to the site is via Vale Street, which overpasses the Newcastle Inner City Bypass. Pedestrian and public transport access is very limited. A new restricted access road is proposed as part of a separate development application that will link the site directly with the Callaghan Campus.

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

The proposal will have positive social and economic effects. The planning proposal recognises the establishment of the Newcastle Institute of Energy and Resources (NIER). NIER is a world-class research facility with extensive mineral, chemical and related technical laboratories, workshops, offices and five industrial-scale pilot plant workshops.

The NIER will provide for a significant increase in research training activities, and access to industrial scale facilities will ensure students graduate with industry-relevant experience. When fully operational, the research precinct will support some 300 researchers in purpose-built, state-of-the-art facilities unrivalled in Australia.

The Institute will have ongoing benefits in the Hunter region, promoting the growth and delivery of applied research facilities for students, and increasing the number of graduates entering the energy and resources labour markets.

Section D - State and Commonwealth interests

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

Existing infrastructure is adequate to serve the needs of the proposal.

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

The planning proposal has no significant implications for State or Commonwealth public authorities.

The planning proposal recognises the use of the site for a research facility (NIER). NIER is funded through a \$30 million Australian Government grant through the Education Investment Fund. .

Consultation will be necessary with the Rural Fire Service (RFS) as the land is classified as bushfire prone. It is noted that the RFS were consulted and recommended conditions that were included in the consent for the change of use of the site from the BHP research facility to an educational establishment (DA/10/0417).

PART 4 – MAPPING

The planning proposal seeks to amend the following maps within Newcastle LEP 2012:

- Land Zoning Map
- Minimum Lot Size Map

The following maps are included to illustrate the mapping amendments proposed:

- **Figure 3:** Existing Land Zoning Map
- **Figure 4:** Proposed Land Zoning Map
- **Figure 5:** Existing Min Lot Size Map
- **Figure 6:** Proposed Min Lot Size Map



Newcastle Local Environmental Plan 2012

Existing Land Zoning Map

Cadastral

-  Cadastral base data 01/08/2007 © LPMA
Addendum data 21/02/2013 © Newcastle City Council
 Subject Site

Zone

-  B1 Neighbourhood Centre
 B2 Local Centre
 B3 Commercial Core
 B4 Mixed Use
 B5 Business Development
 E1 National Parks and Nature Reserves
 E2 Environmental Conservation
 E3 Environmental Management
 E4 Environmental Living
 IN1 General Industrial
 IN2 Light Industrial
 IN3 Heavy Industrial
 R2 Low Density Residential
 R3 Medium Density Residential
 R4 High Density Residential
 RE1 Public Recreation
 RE2 Private Recreation
 SP1 Special Activities
 SP2 Infrastructure
 W2 Recreational Waterways
 UL Unzoned Land

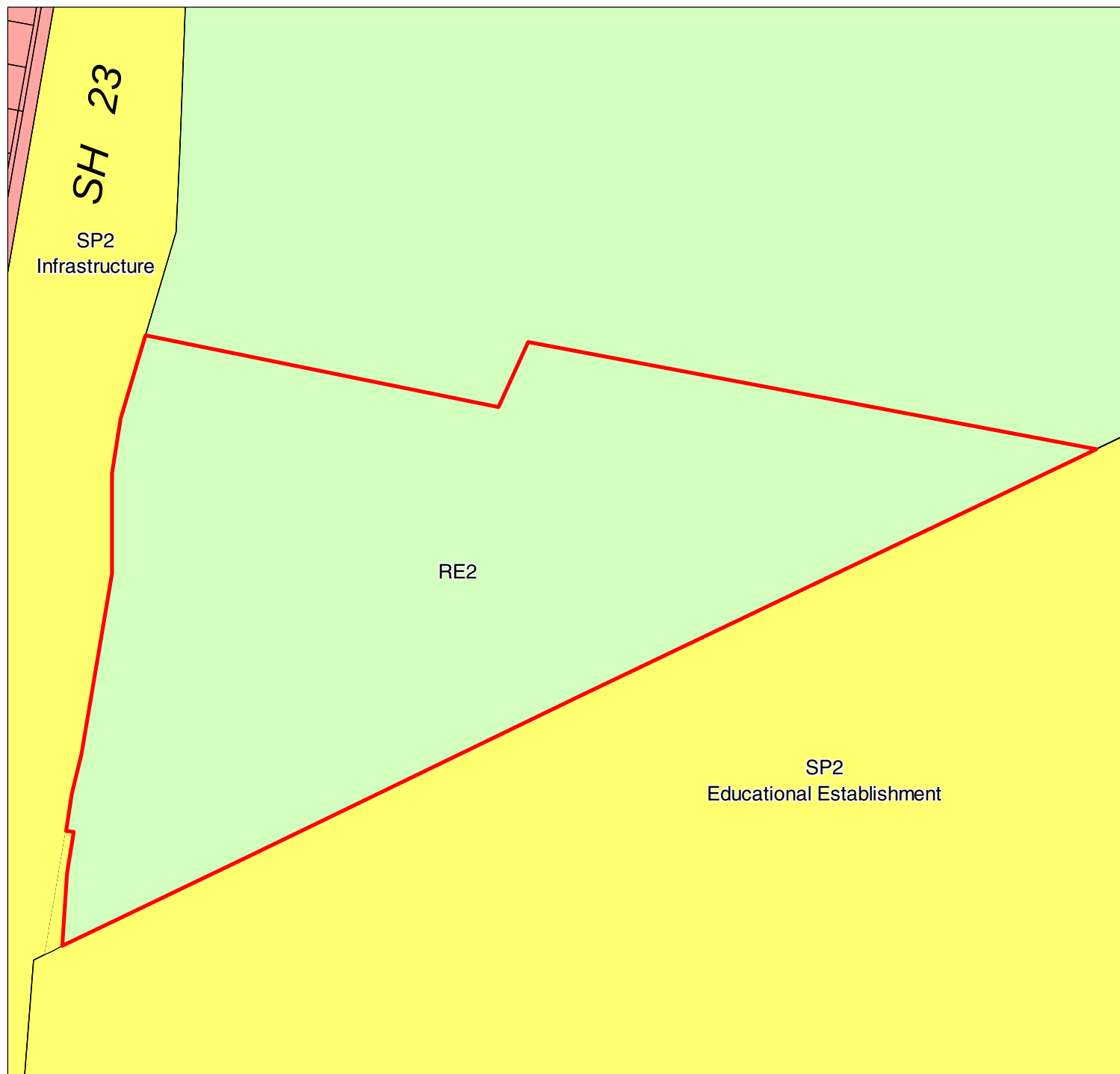


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 70 Vale Street Shortland - Existing Land Zoning Map





Newcastle Local Environmental Plan 2012

Proposed Land Zoning Map

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site

Zone

- | | |
|--|---------------------------------------|
|  | B1 Neighbourhood Centre |
|  | B2 Local Centre |
|  | B3 Commercial Core |
|  | B4 Mixed Use |
|  | B5 Business Development |
|  | E1 National Parks and Nature Reserves |
|  | E2 Environmental Conservation |
|  | E3 Environmental Management |
|  | E4 Environmental Living |
|  | IN1 General Industrial |
|  | IN2 Light Industrial |
|  | IN3 Heavy Industrial |
|  | R2 Low Density Residential |
|  | R3 Medium Density Residential |
|  | R4 High Density Residential |
|  | RE1 Public Recreation |
|  | RE2 Private Recreation |
|  | SP1 Special Activities |
|  | SP2 Infrastructure |
|  | W2 Recreational Waterways |
|  | UL Unzoned Land |

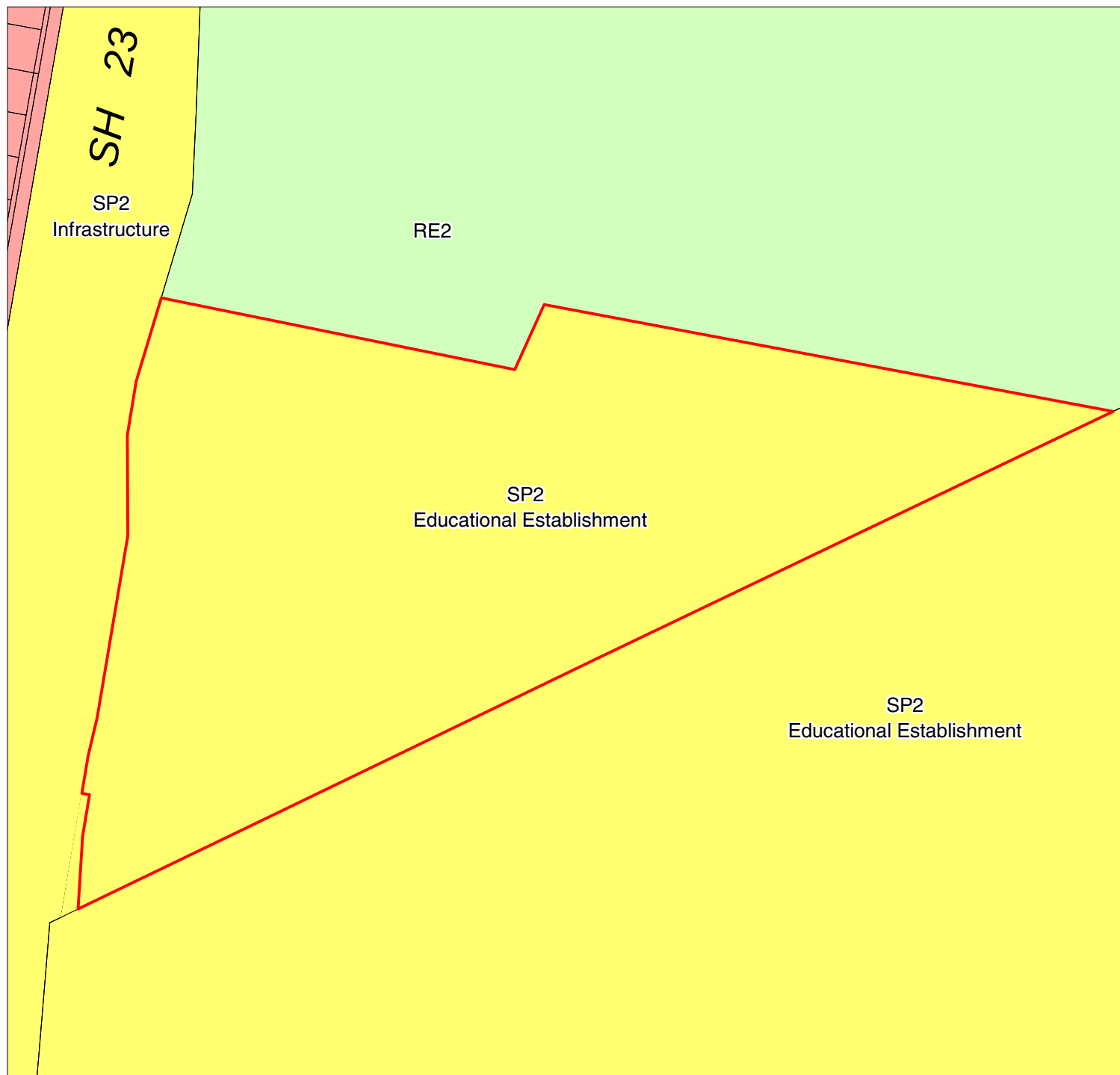


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 70 Vale Street Shortland - Proposed Land Zoning Map





Newcastle Local Environmental Plan 2012

Existing Min Lot Size Map

Cadastral

-  Cadastre base data 01/08/2007 © LPMA
Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site

Minimum Lot Size (sq m)

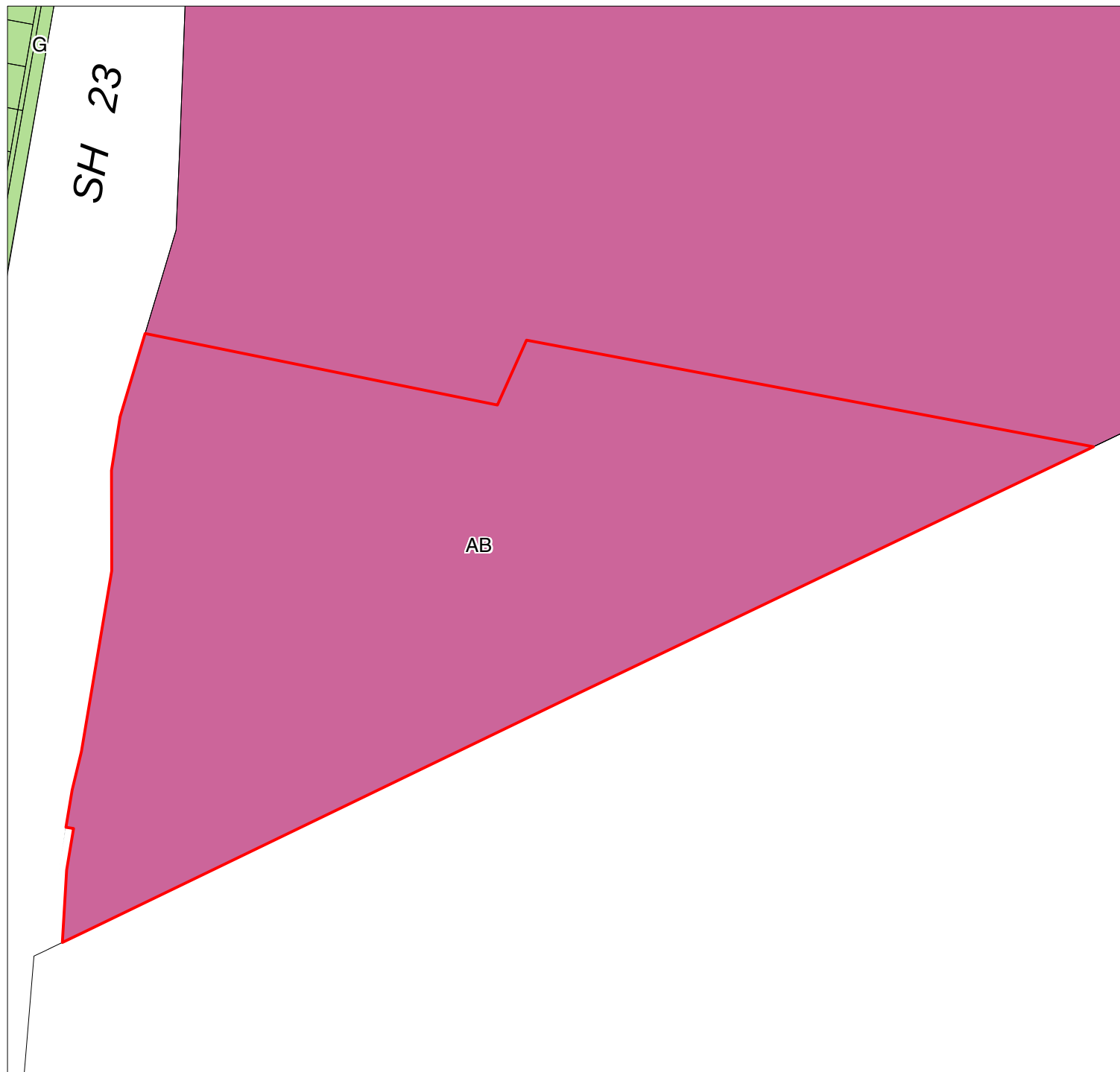
-  F 400
-  G 450
-  U 1 000
-  Y 10 000 (1 ha)
-  Z 20 000 (2 ha)
-  AB 400 000 (40 ha)



Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4





Newcastle Local Environmental Plan 2012

Proposed Min Lot Size Map

Cadastral

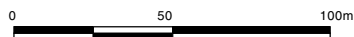
-  Cadastral base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site

Minimum Lot Size (sq m)

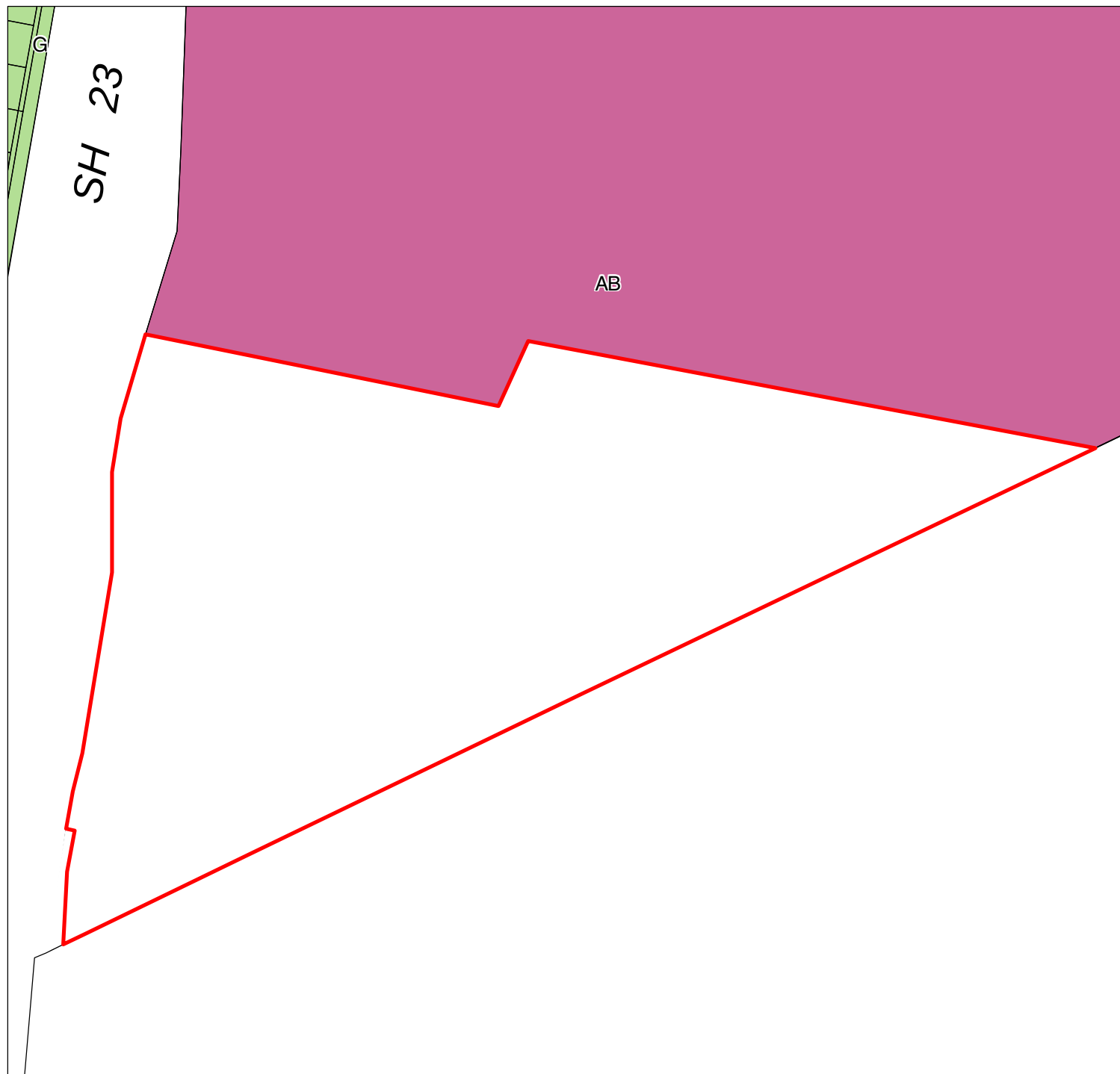
-  F 400
-  G 450
-  U 1 000
-  Y 10 000 (1 ha)
-  Z 20 000 (2 ha)
-  AB 400 000 (40 ha)



Projection GDA 1994
Zone 56



Scale 1:2,000 @ A4



PART 5 – COMMUNITY CONSULTATION

The planning proposal is considered as low impact in accordance with the Department of Planning's guidelines, 'A guide to preparing local environmental plans'. Hence it is proposed that the planning proposal will be publicly exhibited for a minimum 14 day period.

Council proposes to consult with the following agencies prior to public exhibition of the planning proposal:

- NSW Rural Fire Service

Any other relevant agencies will be consulted in accordance with the requirements of the gateway determination.

PART 6 – PROJECT TIMELINE

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

Task	Planning Proposal Timeline											
	Mar 13	Apr 13	May 13	Jun 13	Jul 13	Aug 13	Sep 13	Oct 13	Nov 13	Dec 13	Jan 14	Feb 14
Issue of Gateway Determination												
Prepare any outstanding studies												
Consult with required State Agencies												
Exhibition of planning proposal and technical studies												
Review of submissions and preparation of report to Council												
Report to Council following exhibition												
Planning Proposal sent back to Department requesting that the draft LEP be prepared												

Planning Proposal



3 Northern Avenue, Tarro

March 2013

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3 NORTHERN AVENUE, TARRO

Summary of Proposal

Proposal	Reclassification of land from Community to Operational and rezoning of the land from RE1 Public Recreation to R2 Low Density Residential
Property Details	3 Northern Avenue Tarro Lot 22 DP 513106
Applicant Details	Strategy Hunter Consultants

Background

Council has received a request on behalf of the landowners of the School of Our Lady of Lourdes at Tarro to amend Newcastle LEP 2012 with respect to an adjacent parcel of land owned by The City of Newcastle.

The purpose of this planning proposal is to enable Council to dispose of the land that it owns (whether by sale or otherwise) potentially to the School of Our Lady of Lourdes.

Site

The proposal consists of land at 3 Northern Avenue Tarro, described as Lot 22 DP 513106.

The site has an area of approximately 1805m² and is vacant other than containing one picnic table in poor condition and some trees. The site is fenced along its frontage to Northern Avenue.

The site is adjoined by the School of Our Lady of Lourdes on the north and west and the Tarro Fire Station to the east. The Tarro community hall is opposite the site in Northern Avenue.

The site is zoned RE1 Public Recreation but is surrounded by land zone R2 Low Density Residential and consists mostly of single detached dwellings.

The character of the local area and the site itself are illustrated in

Figure 1: Local Context of Site, and

Figure 2: Air Photo of Site.



Newcastle Local Environmental Plan 2012

Local Area Context Map

Cadastre

- Cadastre base data 01/08/2007 © LPMA
- Addendum data 21/02/2013 © Newcastle City Council
- Subject Site
- Suburb boundary
- LGA boundary



Projection GDA 1994
Zone 56

0 100 200m

Scale 1:5,000 @ A4

Planning Proposal - 3 Northern Avenue Tarro - Local Area Context Map





Newcastle Local Environmental Plan 2012

Site Air Photo Map

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site
-  Suburb boundary



Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 3 Northern Avenue Tarro - Site Air Photo Map



PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The objective of the planning proposal is to enable Council to dispose of the site (whether by sale or otherwise) potentially to the Our Lady of Lourdes School.

PART 2 - EXPLANATION OF PROVISIONS

It is proposed to amend Newcastle Local Environmental Plan 2012 in relation to the described site by:

1. inserting into Part 1 of Schedule 4- 'Classification and reclassification of public land' in Column 1 "Tarro" and in Column 2 "Lot 22 DP 513106 known as 3 Northern Avenue Tarro
2. amending the land Zoning Map from RE1 Public Recreation to R2 Low Density Residential
3. amending the Height of Buildings Map to have a maximum height limit of 8.5m
4. amending the Floor Space Ratio (FSR) Map to have a maximum FSR of 0.6
5. amending the Minimum Lot Size Map to have a minimum lots size area of 450 square metres.

The effect of the proposed amendment will be to reclassify Lot 22 DP 513106, 3 Northern Avenue Tarro from community to operational land and to rezone the land from RE1 Public Recreation to R2 Low Density Residential.

PART 3 – JUSTIFICATION

Section A - Need for the planning proposal

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

The planning proposal is not a result of any strategic study or report. The reclassification of the land is proposed to enable Council to dispose of the site (whether by sale or otherwise) to the Our Lady of Lourdes School.

The land is zoned RE1 Public Recreation. However, it contains no play equipment or recreational facilities and it is not frequently used by the community. The land area (1805m²) is below the 0.5 ha normally regarded as the minimum size for a neighbourhood park. The school has fenced and currently maintains the site.

Council's Recreation Plan 2006-2016 and Section 94A Contributions Plan make no provision for strategic works to be undertaken on this park. These documents direct recreational works to the Tarro Recreation Reserve.

The Our Lady of Lourdes School has 289 enrolments, and occupies a site of 7,127m². It has experienced an ongoing demand for enrolments. Since its establishment, the optimum size of schools has increased and the viability of schools on smaller sites has decreased. The Our Lady of Lourdes School advises that it needs to increase its site in order to adapt to the changing educational and economic needs of schools and the pressure for enrolments.

While the School has had access to the land as a play area, ownership of the land would provide greater certainty and allow the school to manage the site with greater flexibility. The proposed reclassification and rezoning of the site would facilitate the process of delivering certainty over the land's future and the School's use of the land.

In order for Council to have greater options to respond to the School's request, it is proposed to reclassify the site as operational land.

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

Yes, amending the Newcastle Local Environmental Plan (LEP) 2012 to reclassify the land from Community to Operational is the best means of achieving the objectives of the Proposal.

Rezoning the land from RE1 Public Recreation to R2 Low Density Residential will recognise that the land is no longer Council owned open space. The proposed R2 zoning is consistent with the zoning of surrounding land and is consistent with the Department's Practice Note PN 10-001 Zoning for infrastructure in LEPs.

Reclassifying the land to operational and rezoning the land to R2 facilitates Council's ability to dispose of the site and for the school to become the owner of the land. An R2 zoning will permit educational purposes to be carried out with consent as an "educational establishment", or approved under the State Environmental Planning Policy (Infrastructure).

Section B - Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Lower Hunter Regional Strategy (2006)

The Lower Hunter Regional Strategy (LHRS) applies to the land. The aim of this Strategy is to ensure that adequate land is available to accommodate the projected housing and employment growth in the Hunter Region over the next 25 years.

The planning proposal will ensure the School remains viable to serve the growing population in this area and supports the additional housing and employment growth envisaged by the Strategy.

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

Newcastle 2030 Community Strategic Plan

Council adopted the Newcastle 2030 Community Strategic Plan in February 2011. The planning proposal primarily aligns to the strategic direction 'Open and Collaborative Leadership' identified within the Newcastle Community Strategic Plan 2030.

Compliance with the LEP amendment process, in particular section 57 – community consultation of the Environmental Planning and Assessment (EP&A) Act 1979, will assist in achieving the strategic objective; "Consider decision-making based on collaborative, transparent and accountable leadership" and the identified strategy 7.2b, which states: "Provide opportunities for genuine and representative community engagement in local decision making".

Newcastle Urban Strategy (NUS)

The Newcastle Urban Strategy is Council's local strategic land use planning document. The Newcastle Urban Strategy states that the Catholic School is a significant feature of Beresfield Tarro. It also states that the suburbs should strengthen their identity and character. A local school is an important part of a suburb's identity.

The Urban Strategy also states that an important aim is "to provide greater choices to the community in terms of access to housing, employment, transport, social and cultural services, while offering reduced travel demand". A continued and enhanced local school will assist the achievement of that aim. The Proposal is consistent with the Newcastle Urban Strategy.

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

Consistency (of the planning proposal) with State Environmental Planning Policies is outlined in the table below.

Table 1 - Consideration of State Environmental Planning Policies

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 1—Development Standards	No	
State Environmental Planning Policy No 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	Yes	Not consistent. Caravan Parks are a permissible use in the RE1 zone, but not in the proposed R2 zone. However, given the area of the land (1805m ²) and context, it is not a viable site for a caravan park.
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	Yes	Not consistent. Subject to the provisions of the SEPP manufactured home estates are permissible in the RE1 zone, but not the proposed R2 zone. However, as noted in relation to caravan parks, the site is very unlikely to be able to accommodate a manufactured home estate.
State Environmental Planning Policy No 39—Spit Island Bird Habitat	No	

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 41—Casino Entertainment Complex	No	
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	
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	The planning proposal will result in the land being within a prescribed zone of the Infrastructure SEPP.

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	No	
State Environmental Planning Policy (Major Development) 2005	No	
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	
State Environmental Planning Policy (Rural Lands) 2008	No	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007	No	
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	
SEPP (State and Regional Development) 2011	No	

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

Consistency (of the planning proposal) with Ministerial Directions is outlined in the table below.

Table 2 - Consideration of Section 117 Direction

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	Yes	Minor inconsistency. Caravan Parks are a permissible use with consent in the existing zone (RE1). They are not permissible in the proposed zone (R2). The subject land is too small (1805 sq. m) to permit viable development of a caravan park

S117 Direction	Applicable	Consistent
3.3 Home Occupations	No	
3.4 Integrating Land Use and Transport	Yes	Yes, the proposal is consistent with the objectives of this direction as the site is strategically located for the proposed use and will not affect transport choices.
3.5 Development Near Licensed Aerodromes	No	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	No. The subject land is classified as Class 5 on the 'Potential Acid Sulfate Soils Planning Map' of the Newcastle Local Environmental Plan 2012. The Class 5 category is the least critical category. Any future development projects would need to be aware the requirements of Clause 6.1 of the Newcastle Local Environmental Plan 2012.
4.2 Mine Subsidence and Unstable Land	No	
4.3 Flood Prone Land	No	
4.4 Planning for Bushfire Protection	No	
5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	Yes, the planning proposal is consistent with the Lower Hunter Regional Strategy and does not undermine achievement of its vision, land use strategy, policies, outcomes, or actions.
5.2 Sydney Drinking Water Catchments	No	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.8 Second Sydney Airport: Badgerys Creek	No	
6. Local Plan Making		
6.1 Approval and Referral Requirements	No	

S117 Direction	Applicable	Consistent
6.2 Reserving Land for Public Purposes	Yes	The Proposal is seeking to reclassify and rezone land that is used for a public purpose, i.e. open space. However, the land is small in area and alternative open space is available nearby. The land is not dedicated as a public reserve.
6.3 Site Specific Provisions	No	

Table 3 addresses the requirements of the Department of Planning and Infrastructure's Practice Note (PN09-003) on 'Classification and reclassification of public land through a local environmental plan'.

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

Issued to be addressed	Comment
Reason why the planning proposal is being prepared.	The Proposal is being prepared so that the land can be classified as operational and allow Council the option of selling the subject site.
Current and proposed classification	The land is currently classified as Community Land and it is proposed that the land be classified as Operational Land.
Reason for the reclassification	Council is proposing the reclassification as they wish to have the option of selling the subject site which is not being used by Council for public recreation purposes. Council is seeking to change the zoning of the subject land from RE1 Public Recreation to R2 Low Density Residential, consistent with the surrounding land.
Council's ownership of the land	The subject land is owned by Council.
How and when the interest was acquired.	The subject land was acquired by private treaty on 3 March 1965.
The reason Council acquired an interest in the land.	Council acquired the land for the purposes of a children's playground. Since then, local playground facilities have been provided in alternative locations in Tarro.
Any agreements over the land.	There is no legal agreement over the land.
An indication of any financial loss or gain from the reclassification.	The site would be sold or leased at market value.
The asset management objectives being pursued.	The land is inconsistent with Council's policy framework for open space and is surplus to requirements given alternative open space exists nearby. If the site was sold Council would not be responsible for ongoing maintenance costs and the sale proceeds would be available for expenditure on other Community Land.

Issued to be addressed	Comment
Whether there has been an agreement for the sale or lease of the land.	Discussions have been held with the Catholic Diocese, however, no formal agreements have been made.
Relevant matters required in plan making under the Environmental Planning and Assessment Act.	The reclassification is proposed to be carried out in accordance with: • s55 Relevant Authority to prepare a planning proposal • s56 Gateway Determination • s57 Community Consultation
A copy of the Practice Note.	Attached

Section C - Environmental, social, and economic impact

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

The site does not contain critical habitat or threatened species, populations or ecological communities, or their habitats.

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

Mine Subsidence

The site is not located within a Mine Subsidence District.

Hydrology and Water Management

The site is not identified as flood prone by Council's City-wide Floodplain Risk Management Plan.

Bushfire

According to Newcastle Bush Fire Hazard Map (2009) the land is not affected by bushfire risk or in the vicinity of such a risk

Heritage

Two items of local heritage significance are close to the site:

- Our Lady of Lourdes Church at 42 Anderson Drive Lot 42 DP1096998, to the northwest of the subject land (Item 1547)
- Tarro Community Hall 2A Northern Avenue Lot 3 Section F DP 132126 to the south of the subject land (Item 1549)

The reclassification and rezoning of the site will not adversely affect the heritage status of these items. However, any future development application will need to have regard to these items.

Contamination

There is no known contamination of the land and the current and former uses of the land are unlikely to have caused contamination.

Traffic Impacts and Vehicular and Pedestrian Access

The site has a frontage to Northern Avenue. The Planning Proposal does not raise any traffic or access issues. Any future development applications will be required to address these matters.

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

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

- it is too small for most recreational purposes
- it does not contain a playground
- there are two playgrounds located within walking distance
- it does not receive significant recreational use other than use by the school as “playground” during school hours.

Should the School acquire the site, it will assist in enhancing its facilities for the community.

The proceeds of any sale will be allocated to the improvement of Community Land under the Newcastle City Council Public Land Reclassification Policy.

Council's Public Land Reclassification Policy 2000

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

The planning proposal has been assessed against this Council policy (See Table 4).

Table 4 Assessment under Newcastle Public Lands Reclassification Policy

Issues to be addressed	Comment
Step 1: Are there any significant public interest issues affecting the land?	
Biodiversity conservation	The land is not of significance for biodiversity conservation.
Significant natural features	The land does not contain any significant natural features.
Cultural significance	The site does not contain items of cultural significance.
Public health and safety	The land is not bushfire prone nor is it flood prone or affected by mine subsidence. The land is not contaminated. It is affected by Class 5 Acid Sulfate Soils. Any future development application would address issues regarding potential acid sulfate soils.
Public access	The land does not contain a designated pathway for access to community facilities. It is not identified as part of the Newcastle Cycle Strategy. The site does not have significance for public access.
Special legal status	The community does not have a special legal interest in the land. The land is not subject to any trust for public purposes and is not a public reserve.
Proceed to step 2?	No significant public interests have been raised, therefore the proposal may proceed to step 2.

Issues to be addressed	Comment
Step 2: Will there be a net positive benefit for the community?	
Financial impact	The proposal will have a positive financial impact on Council. Council will have the option of selling or leasing the operational land at the market value. If the land is sold Council will not be responsible for ongoing maintenance costs or liability of the site. Proceeds from the sale of the land will be allocated to the improvement of community land consistent with the Newcastle City Council Public Land Reclassification Policy.
Land management impact	There will be no land management impacts.
Impact on community uses and opportunities	Reclassifying the site will not result in a significant reduction of usable parkland or recreation grounds. Alternative open space is located within walking distance. The land receives minimal public usage. There is no need for alternative community land to be provided, given the amount of recreational land nearby.
Impact on enjoyment of community land	Reclassification of the site will have a minimal impact on enjoyment of the community land. The land currently has minimal community use.
Social impact	The proposal is likely to have a positive social impact as it will assist in the ongoing viability of the school, an important local service in Tarro.
Economic impact	The proposal will have a positive impact on the economy as it will assist in the ongoing viability of the school a large employer in Tarro.

The proposal meets the assessment criteria in the Public Lands Reclassification Policy 2000 outlined in Table 4. The site does not contain significant public interests, however, the proposal is expected to have a minor financial and moderate community benefit.

Section D - State and Commonwealth interests

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

The planning proposal will not create significant additional load on existing public infrastructure. In any case, any subsequent development application would need to consider the impact of the proposed development on public infrastructure.

The site has direct access to Northern Avenue which has two parking lanes and two travel lanes (one each way). The site has access to sewer, water and telecommunication services. The nearest, arterial road, Anderson Drive is the former Pacific Highway and has surplus capacity. Anderson Drive is a bus route (Route 181) which provides access to the Beresfield shopping centre, railway station, Greenhill shopping centre (and bus interchange), and Maitland.

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

No consultation has been carried out at this stage. Consultation will be carried out in accordance with the requirements of the gateway determination.

PART 4 – MAPPING

The planning proposal seeks to amend the following maps within Newcastle LEP 2012:

- Land Zoning Map
- Height of Buildings Map
- Floor Space Ratio Map
- Minimum Lot Size Map

The following maps are included to illustrate the mapping amendments proposed:

- **Figure 3:** Existing Land Zoning Map
- **Figure 4:** Proposed Land Zoning Map
- **Figure 5:** Proposed Max Height of Buildings Map
- **Figure 6:** Proposed Max Floor Space Ratio Map
- **Figure 7:** Existing Min Lot Size Map
- **Figure 8:** Proposed Min Lot Size Map
- **Figure 9:** Existing Land Classification
- **Figure 10:** Proposed Land Classification



Newcastle Local Environmental Plan 2012

Existing Land Zoning Map

Cadastral

- Cadastral base data 01/08/2007 © LPMA
- Addendum data 21/02/2013 © Newcastle City Council
- Subject Site

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- IN3 Heavy Industrial
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP1 Special Activities
- SP2 Infrastructure
- W2 Recreational Waterways
- UL Unzoned Land

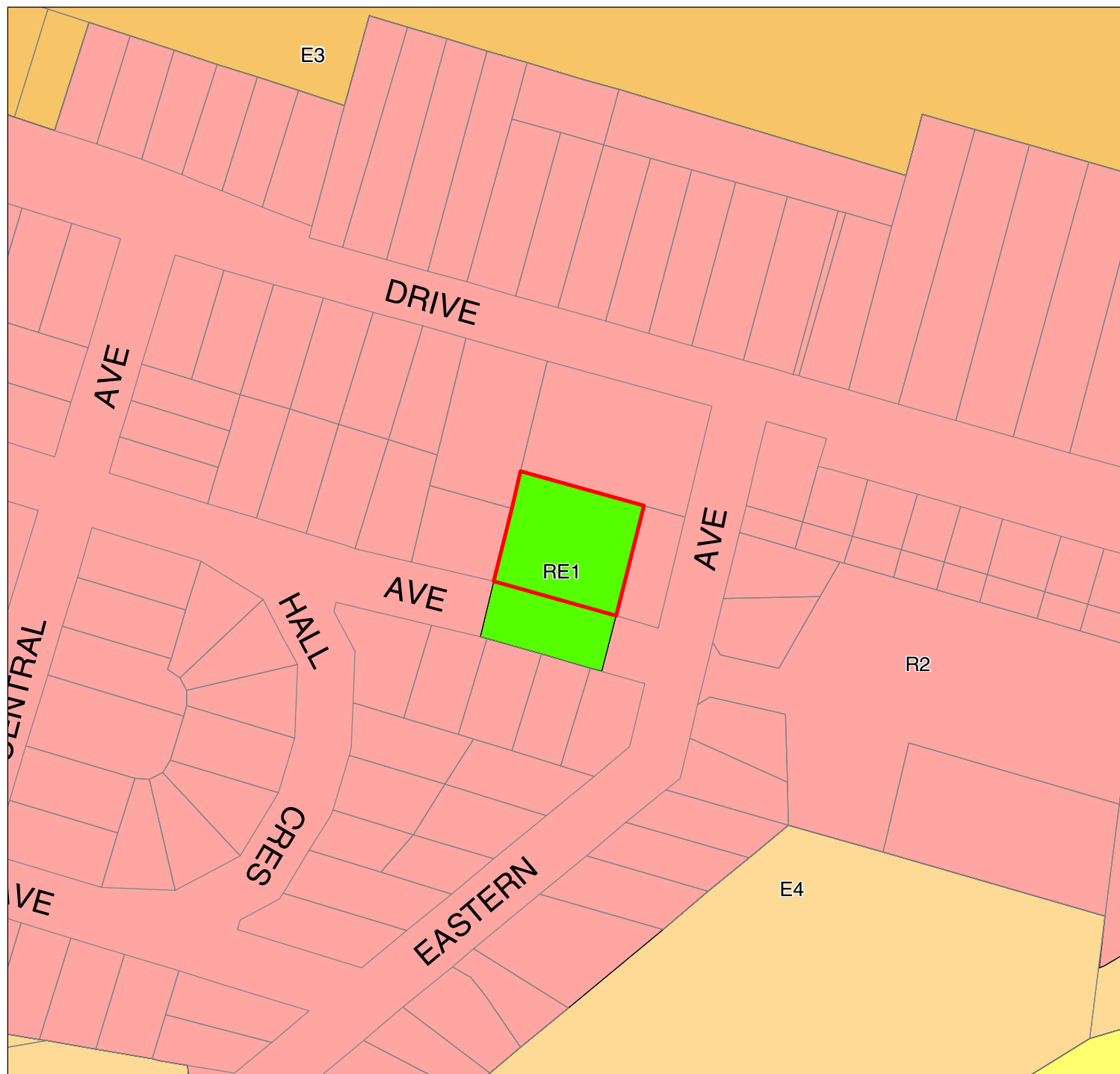


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 3 Northern Avenue Tarro - Existing Land Zoning Map





Newcastle Local Environmental Plan 2012

Proposed Land Zoning Map

Cadastre

- Cadastre base data 01/08/2007 © LPMA
- Addendum data 21/02/2013 © Newcastle City Council
- Subject Site

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- IN3 Heavy Industrial
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP1 Special Activities
- SP2 Infrastructure
- W2 Recreational Waterways
- UL Unzoned Land

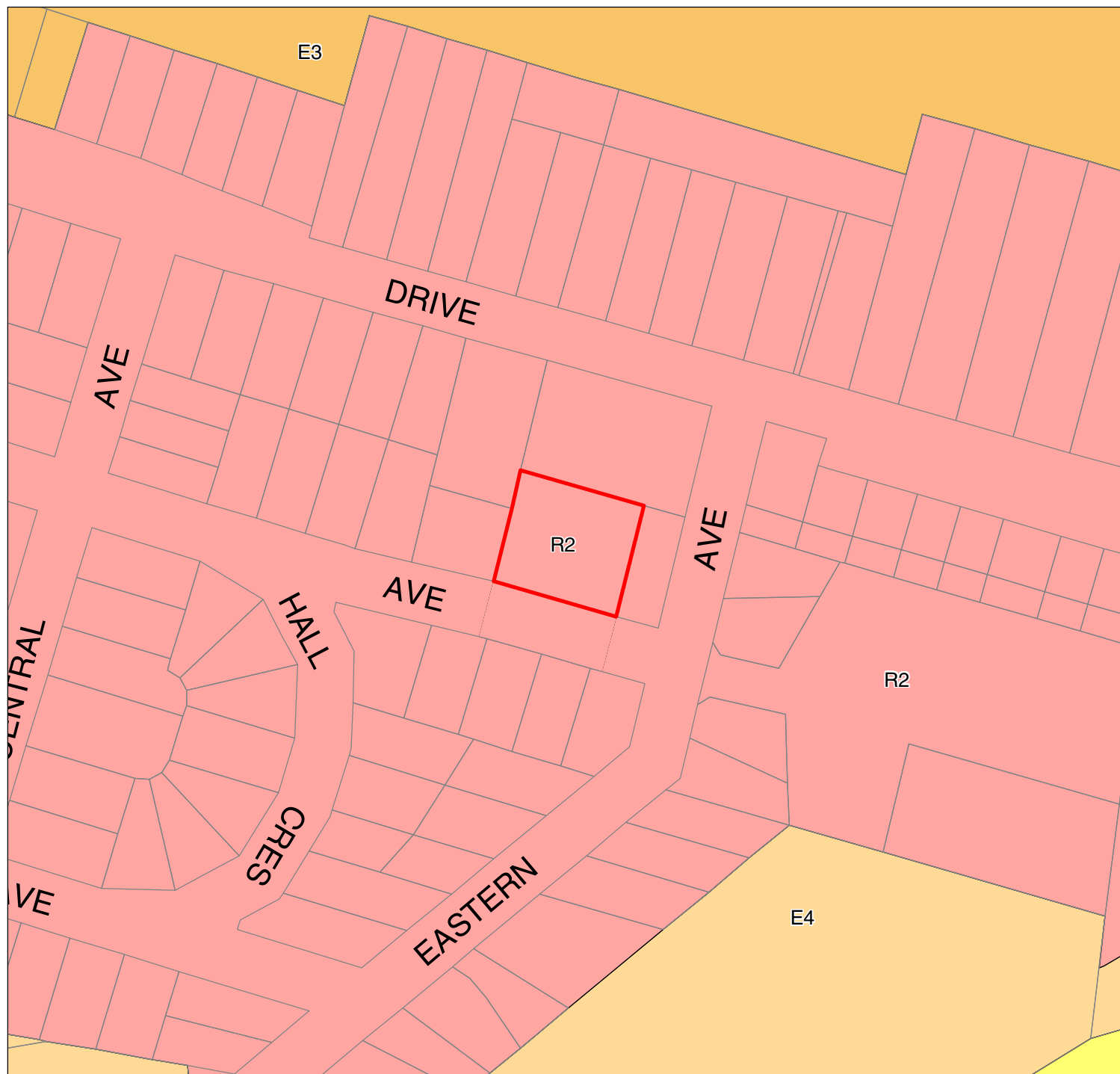


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 3 Northern Avenue Tarro - Proposed Land Zoning Map





Newcastle Local Environmental Plan 2012

Proposed Max Height of Building Map

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site

Maximum Building Height (m)

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



Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 3 Northern Avenue Tarro - Proposed Max Height of Building Map





Newcastle Local Environmental Plan 2012

Proposed Max Floor Space Ratio Map

Cadastral

-  Cadastral base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site

Maximum Floor Space (n:1)

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



Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 3 Northern Avenue Tarro Proposed Max Floor Space Ratio Map





Newcastle Local Environmental Plan 2012

Existing Min Lot Size Map

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site

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)

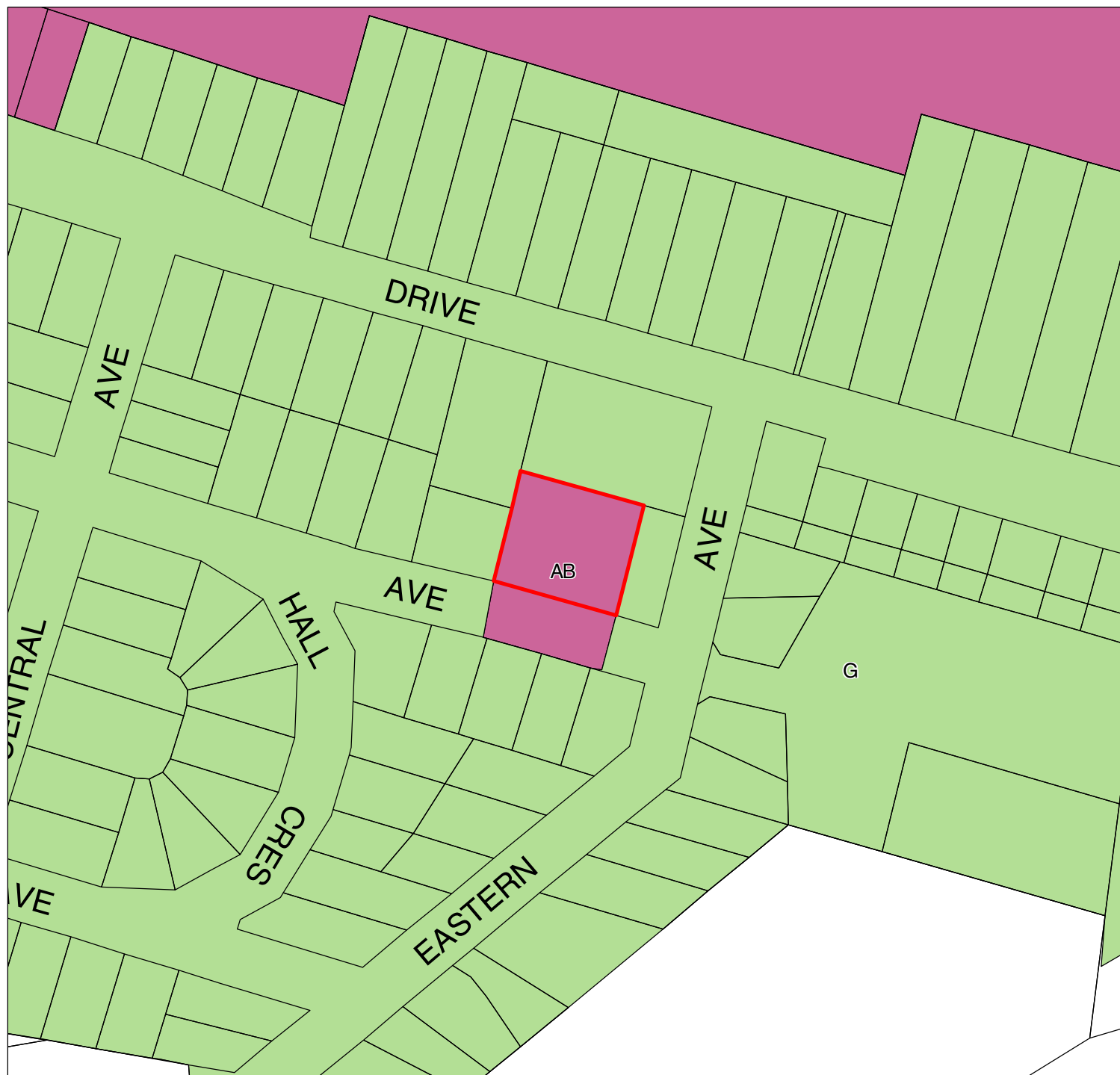


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 3 Northern Avenue Tarro - Existing Min Lot Size Map





Newcastle Local Environmental Plan 2012

Proposed Min Lot Size Map

Cadastral

-  Cadastre base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site

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)

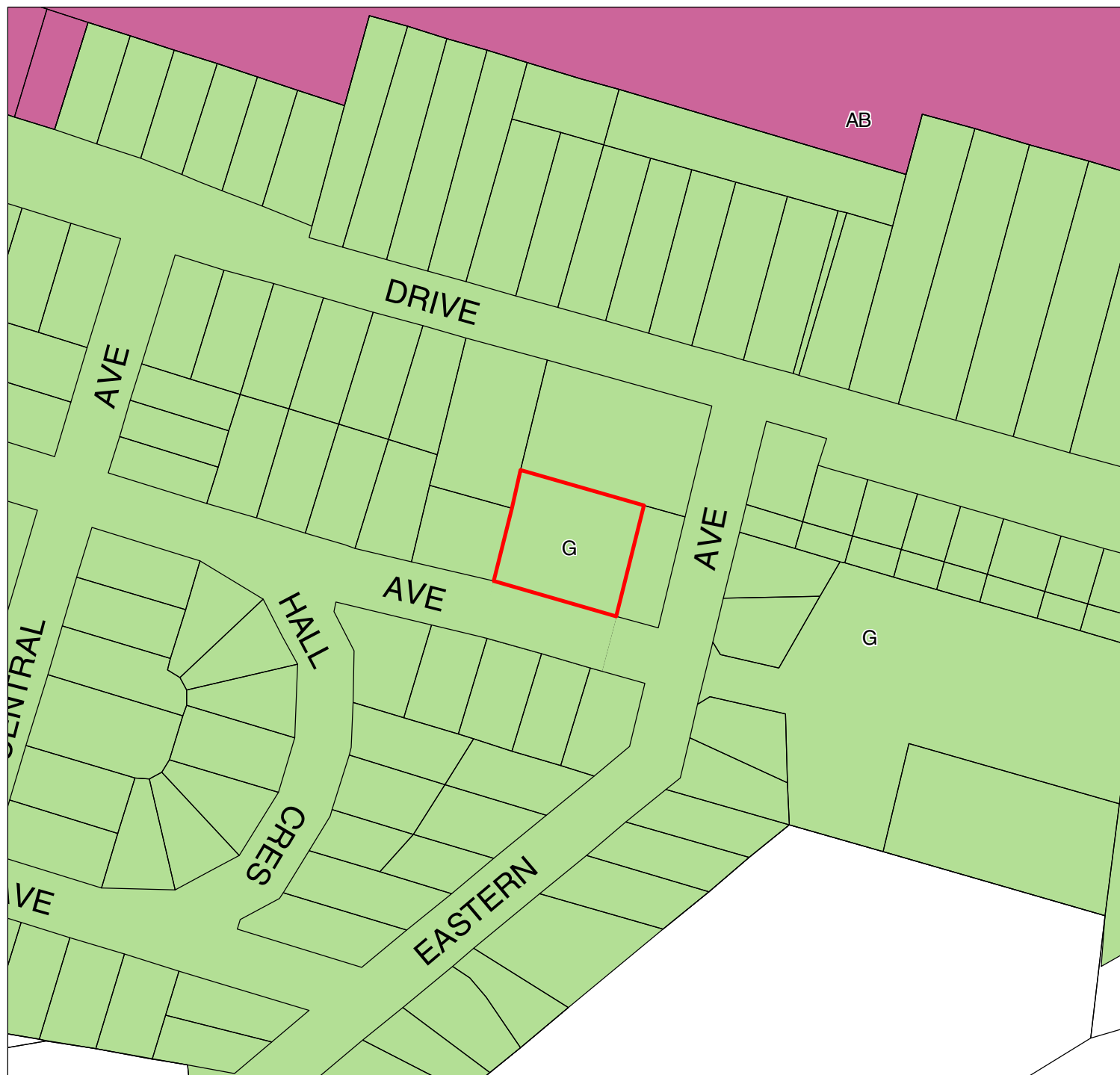


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 3 Northern Avenue Tarro - Proposed Min Lot Size Map





Newcastle Local Environmental Plan 2012

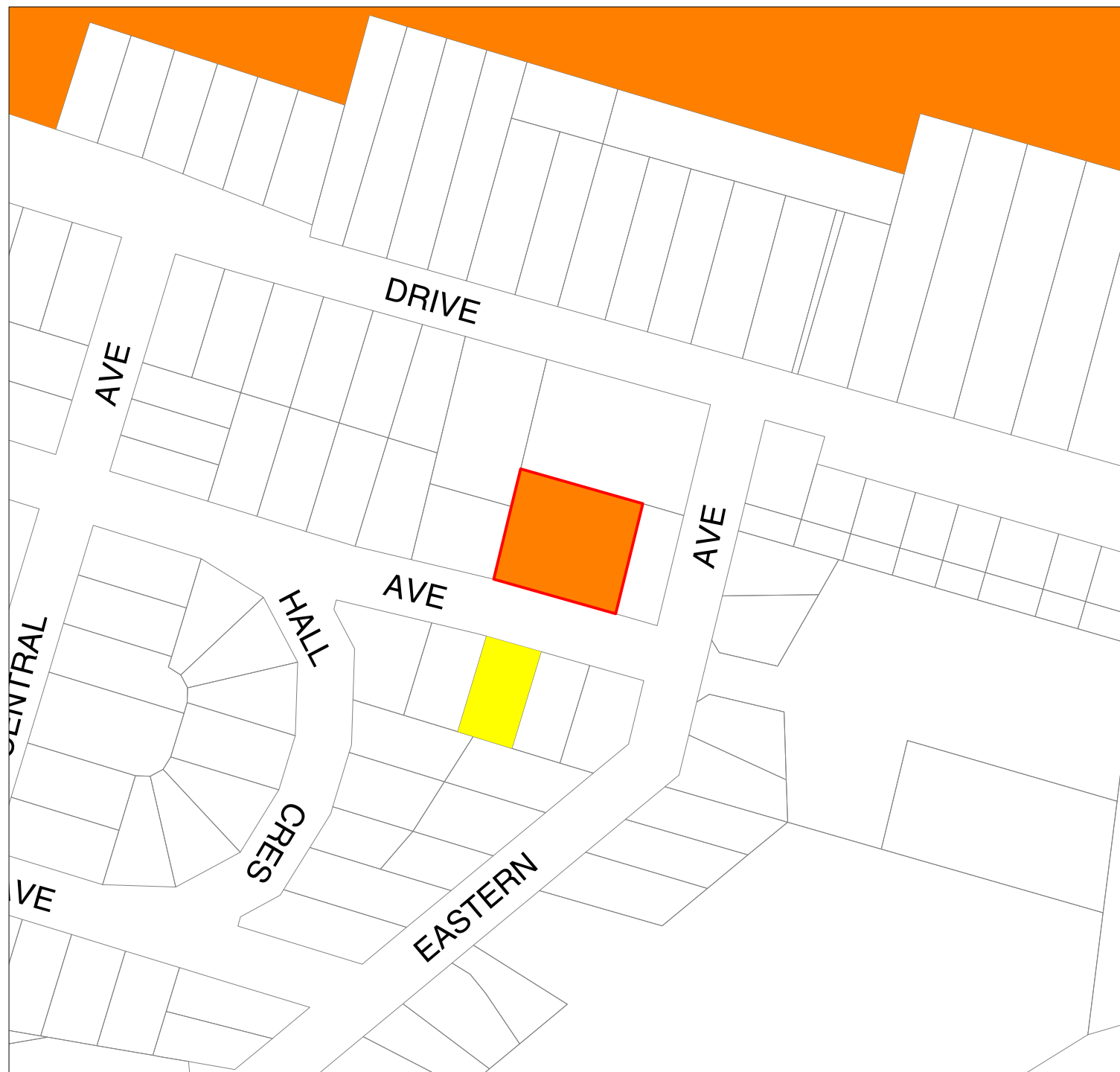
Existing Land Classification

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site

Land Classification

-  Operational Land
-  Community Land



Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4



Newcastle Local Environmental Plan 2012

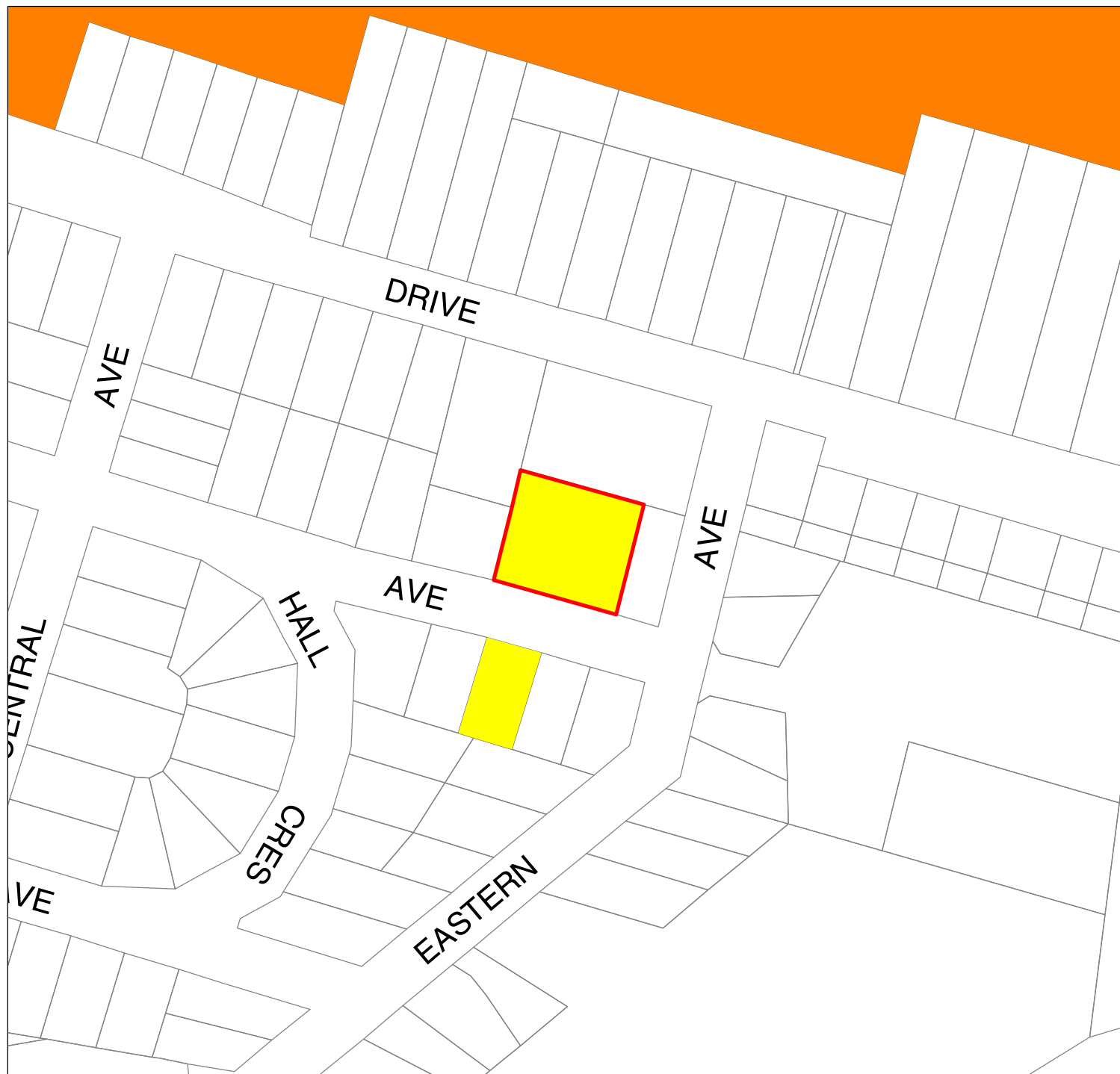
Proposed Land Classification

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site

Land Classification

-  Operational Land
-  Community Land



Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

PART 5 – COMMUNITY CONSULTATION

The proposal is not considered to be a low impact proposal as it includes the reclassification of community land.

The planning proposal will be exhibited for 28 days in accordance with the requirements of Section 57 of the EP&A Act 1979 and Section 29 of the Local Government Act 1993.

A public hearing will be required to be held in accordance with Department of Planning and Infrastructure Circular (PN09-003) after the close of the exhibition period. Public notice of the public hearing will be sent and published at least 21 days before the public hearing.

Relevant agencies will be consulted in accordance with the requirements of the gateway determination.

PART 6 – PROJECT TIMELINE

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

Task	Planning Proposal Timeline											
	Mar 13	Apr 13	May 13	Jun 13	Jul 13	Aug 13	Sep 13	Oct 13	Nov 13	Dec 13	Jan 14	Feb 14
Issue of Gateway Determination												
Prepare any outstanding studies												
Consult with required State Agencies												
Exhibition of planning proposal and technical studies												
Review of submissions												
Public Hearing												
Prepare Council report												
Report to Council following exhibition / public hearing												
Planning Proposal sent back to Department requesting that the draft LEP be prepared												

Attachment A

LEP Practice Note PN 09-003



Note	PN 09–003
Date	12 June 2009
Related	Supersedes (re)classification advice in Best Practice Guideline (1997)

Classification and reclassification of public land through a local environmental plan

The purpose of this practice note is to update (and supersede) previous guidance on the process to classify or reclassify public land through a local environmental plan including a principal plan in accordance with the Standard Instrument.

Introduction

‘Public land’ is any land (including a public reserve) vested in, or under the control of, council. Exceptions include roads, land to which the *Crown Lands Act 1989* applies, a common, or land to which the *Trustees of Schools of Arts Enabling Act 1902* applies.

‘Community’ land is generally open to the public, for example, parks, reserves or sports grounds.

‘Operational’ land may be used for other purposes, for example, as works depots or garages, or held by council as a temporary asset.

‘Classification’ of public land refers to the process when this land is first acquired and first classified as either ‘operational’ land or ‘community’ land.

‘Reclassification’ of public land refers to the process of changing the classification of ‘operational’ land to ‘community’ land or from ‘community’ land to ‘operational’ land.

How is public land classified or reclassified?

Depending on circumstances, this is undertaken by either:

- resolution of council under section 31, 32 or 33 of the *Local Government Act 1993* (LG Act) [through section 27(2)], or
- a local environmental plan (LEP) under the *Environmental Planning and Assessment Act 1979* (EP&A Act) [through section 27(1) of the LG Act].

In both cases, it is not possible for councils to delegate their decision to classify or reclassify public land [section 377(1) of the LG Act]. Councils are encouraged to classify or reclassify land through the LG Act wherever circumstances conform to sections 31, 32 or 33 of the LG Act.

The remaining parts of this practice note identify the key areas councils must consider when proposing to classify or reclassify public land by means of a local environmental plan (LEP) under the second option.

This practice note supersedes the sections relating to classification and reclassification in *LEPs and council land*, Best Practice Guideline (Department of Urban Affairs and Planning 1997).

Procedure under the EP&A Act

Where classification or reclassification is proposed through an LEP, council is advised to include the proposal as early as possible in the draft LEP or planning proposal. If the public land to be classified or reclassified is not owned by council, landowner’s consent is required prior to either section 54 or section 56 of the EP&A Act (when the Part 3 amendment to the EP&A Act applies).¹

The proposal would then form part of the material presented through either section 54 or section 56 of the EP&A Act (when the Part 3 amendment to the EP&A Act applies).

¹ In relation to the Part 3 amendment, council should also check the changes to the EP&A Act and Regulation once these commence.

To assist councils, the steps in preparing material either as a draft LEP or planning proposal are summarised in Attachment 1. Column 1 of Attachment 1 sets out the requirements in accordance with the EP&A Act **prior to** the Part 3 amendment commencing. Column 2 of the attachment sets out the requirements **after** the Part 3 amendment commences. In relation to the Part 3 amendment, council should also check the savings and transitional arrangements under the EP&A Act, once these commence.

Where land is proposed to be reserved for a public purpose such as provision of public services and facilities, section 117 Direction 6.2—Reserving Land for Public Purposes applies. The Direction also sets out requirements when a reservation of public land for such purposes is no longer required.

A summary of relevant matters that need to be available at the time the planning proposal is first forwarded are listed in Attachment 2 under 'Exhibition'. Other matters for exhibition and later stages are listed separately in that attachment.

Provisions in the Standard Instrument

The following Standard Instrument provisions are relevant to the classification and reclassification of public land.

Clause 5.2—Classification and reclassification of public land

The purpose of this clause is to enable councils to classify or reclassify public land identified in Schedule 4 of the Standard Instrument. Only public land to be classified or reclassified by publication on the NSW legislation website of that principal LEP is to be identified in the schedule. Schedule 4 must not contain a reference to any land already classified or reclassified.

Part 1 Schedule 4—change to 'operational' land, no interest changes

Land is identified in Part 1 of Schedule 4 where the trusts, estates, interests, dedications, conditions, restrictions or covenants over the land are to remain after reclassification to 'operational land', i.e. where **no** interests will change.

Part 2 Schedule 4—change to 'operational' land and an interest will change

Land is identified in Part 2 of Schedule 4 where the land is to be classified or reclassified as 'operational land' and some of the trusts, estates, interests, dedications, conditions, restrictions, or covenants over the land remain. The interests to remain are identified in column 3 of this part of the schedule.

Part 3 Schedule 4—change to 'community' land

Land proposed to be classified or reclassified as 'community land' through the LEP is identified in Part 3 of the schedule.

Where there is no land to be classified or reclassified through the LEP, the clause remains with the schedule empty.

General requirements for exhibition

Public exhibition of the LEP occurs after certification of the LEP (in accordance with section 66 of the EP&A Act). Public exhibition of a planning proposal may occur in accordance with section 57(2) (when the Part 3 amendment to the EP&A Act commences). To assist the public in understanding an exhibited draft LEP or planning proposal to classify or reclassify land, requirements are summarised in Attachment 2.

A copy of council's response to these requirements together with a copy of this practice note is to be part of material displayed during public exhibition of an LEP or planning proposal to reclassify or classify public land.

Public hearing

A public hearing must be held when 'community land' is proposed to be reclassified as 'operational land'.

To ensure council and the community have sufficient time to consider relevant matters associated with the proposed change, the public hearing is held **after** the close of the exhibition period under section 68 of the EP&A Act (section 29 of the LG Act) for an LEP and in accordance with section 57(6) (when the Part 3 amendment to the EP&A Act commences).

Public hearing provisions are set out in the EP&A Regulation (clause 14) and public notice of a hearing must be sent or published **at least 21 days** before the start of the public hearing.

The independence of the person chairing the public hearing and requirements relating to the preparation and inspection of reports from the hearing are specified in section 47G of the LG Act.

Further information

A copy of this practice note, Standard Instrument, and other specific practice notes and planning circulars on using the Standard Instrument, can be accessed on the Department's website <http://www.planning.nsw.gov.au/lep/index.asp>

Authorised by:

Sam Haddad, Director-General

List of attachments:

1. Main steps (in sequence) for classifying and reclassifying public land under the *Environmental Planning and Assessment Act 1979*
2. General requirements for classification or reclassification of land through local environmental plans and planning proposals

Attachment 1. Main steps (in sequence) for classifying and reclassifying public land under the *Environmental Planning and Assessment Act 1979*

Requirements prior to commencement of the 2008 Part 3 amendment to the EP&A Act	Requirements after commencement of the 2008 Part 3 amendment to the EP&A Act when it applies to a proposal
Council notifies the Department of a decision to prepare a draft LEP including a proposal to classify or reclassify public land (section 54 of the EP&A Act). This notification is accompanied by an appropriate level of information including for the following: - a justification for the proposal - reasons why council acquired an interest - details that would also accompany a plan at exhibition stage (see Attachment 2) - any proposal to extinguish or retain other interests in the land through the reclassification - a justification /explanation as to why such interests are being extinguished - any rezoning associated with the classification/ reclassification - any preliminary comments by a relevant government agency, including agency's consent where land is vested or held by an agency other than council - consideration of any relevant directions e.g. section 117 Direction 6.2—Reserving Land for Public Purposes, where appropriate.	A planning proposal is forwarded by council to the Minister (new section 56 of the EP&A Act), including a proposal to classify or reclassify public land. This proposal contains an appropriate level of information including for the following: - a justification for the planning proposal - reasons why council acquired an interest - details that would also accompany a plan at exhibition stage (see Attachment 2) - any proposal to extinguish or retain other interests in the land through the reclassification - a justification /explanation as to why such interests are being extinguished - any rezoning associated with the classification/ reclassification - any preliminary comments by a relevant government agency, including an agency in which the land is vested or held - consideration of any relevant directions, e.g. section 117 Direction 6.2—Reserving Land for Public Purposes, where appropriate.
Consultation with relevant public agencies and other stakeholders (section 62 of the EP&A Act).	See below.
After consultation, council submits a draft LEP to the Department and, subject to the issue of a section 65 certificate, the draft LEP is exhibited for a minimum of 28 days and the public invited to provide written submissions to the exhibited LEP within the exhibition period.	Following review, at the gateway, if the planning proposal is to proceed, requirements for the various stages of the proposal, including consultation requirements, will be provided to council (new section 56(1), 56(2) of the EP&A Act).
Where a draft LEP includes reclassification of 'community' land to 'operational' land, council holds a public hearing into the proposal in accordance with section 68 of the EP&A Act (section 29 of the Local Government Act). *	Where a planning proposal includes reclassification of 'community' land to 'operational' land, council holds a public hearing into the proposal in accordance with new section 57(6) of the EP&A Act. *
Such a hearing follows the requirements of clause 14 of the EP&A Regulation including that a notice of the details for the hearing must be published in a local newspaper and sent to any person requesting a hearing a minimum of 21 days prior to the hearing.	Such a hearing follows the requirements of clause 14 of the EP&A Regulation including that a notice of the details for the hearing must be published in a local newspaper and sent to any person requesting a hearing a minimum of 21 days prior to the hearing.
Where it is considered appropriate, the draft LEP is submitted to the Director-General together with details of all submissions and the report of the public hearing, together with a statement of other matters set out in section 68 of the EP&A Act.	Consultation for a planning proposal under new section 57 of the EP&A Act is completed when council has considered any submissions made concerning the proposed instrument and the report of any public hearing. Where the planning proposal is to proceed, the Director-General makes arrangements for the drafting of the LEP to give effect to the final proposal (new section 59 of the EP&A Act).
The Director-General furnishes a report to the Minister if the Director-General is satisfied that the draft LEP has been prepared in accordance with any applicable standard instrument under section 33A (section 69 of the EP&A Act).	
The Minister determines whether to make the LEP under section 70 of the EP&A Act. **	The Minister (or Minister's delegate) determines whether to make the LEP under new section 59 of the EP&A Act. **

Notes:

* Where a proposal includes a classification of 'operational' land to 'community' land, a public hearing is not generally required.

** Where a reclassification proposes to extinguish other interests in the land, the approval of the Governor is required in accordance with section 30 of the LG Act.

Attachment 2. General requirements for classification or reclassification of land through local environmental plans and planning proposals

Exhibition

When exhibiting a planning proposal or draft LEP to classify or reclassify public land, council must provide a written statement including the following:

- the reasons why the draft LEP or planning proposal is being prepared including the planning merits of the proposal, e.g. the findings of a centres' strategy, council's intention to dispose of the land, provision of open space in a town centre
- the current and proposed classification of the land
- the reasons for the reclassification including how this relates to council's strategic framework, council's proposed future use of the land, proposed zones, site specific requirements, e.g. heritage controls, anticipated physical or operational changes resulting from the reclassification
- council's ownership of the land, if this applies
- the nature of council's interest in the land, e.g. council has a 50 year lease over the site
- how and when the interest was first acquired, e.g. the land was purchased in 20XX through section 94
- the reasons council acquired an interest in the land, e.g. for the extension of an existing park; council was given responsibility for the land by a State agency
- any agreements over the land together with their duration, terms, controls, agreement to dispose of the land, e.g. whether any aspect of the draft LEP or planning proposal formed part of the agreement to dispose of the land and any terms of any such agreement
- an indication, as a minimum, of the magnitude of any financial gain or loss from the reclassification and of the type(s) of benefit that could arise e.g. council could indicate the magnitude of value added to the land based on comparable sites such as the land is currently valued at \$1500 per square metre, nearby land zoned for business development is valued at between \$2000 and \$5000 per square metre
- the asset management objectives being pursued, the manner in which they will be achieved and the type of benefits the council wants, i.e. without necessarily providing details of any possible financial arrangements, how the council may or will benefit financially
- whether there has been an agreement for the sale or lease of the land; the basic details of any such agreement and, if relevant, when council intends to realise its asset, either

immediately after rezoning/reclassification or at a later time

- Relevant matters required in plan making under the EP&A Act
- A copy of this practice note must be included in the exhibition material to assist the community in identifying information requirements. Council staff may wish to identify the column in Attachment 1 that applies.

Post-exhibition

Once a decision has been made regarding whether the draft LEP or planning proposal proceeds, everyone who made a written submission must be notified in writing of the decision.

Written notification must occur within 14 days of the decision and needs to clearly identify the reasons for council's decision. An explanation must be included of how issues raised in submissions were addressed including the reasons for council's decision.

The final report after exhibition to either the Director-General or the Minister should include:

- a brief summary of council's interest in the land
- issues raised in any relevant submissions
- the dates of the exhibition and the hearing
- an explanation of how issues raised were addressed or resolved.

Additional matters to be addressed when the Governor's approval is required

The Governor's approval is required for the extinguishment of public reserve status and other interests in land which a council proposes to reclassify from 'community' to 'operational' status under the LG Act.

Council must provide sufficient information in accordance with this practice note to inform the Minister of any public reserve and/or other third party property interests (e.g. trust, covenant, easement) that are proposed to be extinguished upon the making of such a draft LEP or planning proposal.

Important note

This note does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this note.

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DOP 09_004

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Planning Proposal



Newcastle Eye Hospital, Waratah

(corner of Griffith, Lambton and Christo Roads, Waratah)

March 2013

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CORNER OF GRIFFITH, LAMBTON AND CHRISTO ROADS, WARATAH (Newcastle Eye Hospital)

Summary of Proposal

Proposal	Corner of Griffith, Lambton and Christo Roads, Waratah (Newcastle Eye Hospital)	
Property Details	Corner of Griffith, Lambton and Christo Roads, Waratah	Lots 1 and 2 DP 1114442, Lot 100 and 101 DP 569322, and Lot 2 DP 21366,
Applicant Details	deWitt Consulting on behalf of Newcastle Eye Hospital	

Background

Council has received a request to amend Newcastle LEP 2012 in order to enable hospitals to be included as 'permissible with consent' within the R2 Low Density Residential zone of Newcastle LEP 2012.

Although the requested amendment will affect all land zoned R2 Low Density Residential, the applicant's interest is specifically in relation to land owned by Newcastle Eye Hospital at Waratah, given the amendment would enable the applicant to prepare a development application for improvements to the existing hospital facility and incorporation of adjoining land.

The Site

The proposal consists of land at the corner of Griffith, Lambton and Christo Roads, Waratah, described as Lot 1 & 2 DP 1114442, Lot 100 & 101 DP 569322, Lot 2 DP 21366. The aforementioned roads, which the site fronts, carry considerable traffic and impact on the amenity of the area.

The site and adjoining land are zoned R2 Low Density Residential and predominantly consist of detached dwellings. The land to the southern side of Griffiths Road is zoned IN2 Light Industrial and consists of such land uses.

Figure 1: Local context of site demonstrates the above. **Figure 2:** Air photo of site shows the land of interest to this proposal, which currently contains vacant dwellings and are also used by staff of the hospital facility for off street parking.

Photo 1 to 4, below, further illustrates the existing facility and local streetscape.

Photo 1: *South western view of existing hospital facility from Griffith Road*



Photo 2: *Northern perspective of existing hospital facility from Christo Road*



Photo 3: ***176,178 & 180 Christo Road Waratah, consisting part of the site and adjoining sites to the east***



Photo 4: ***114 & 116 Griffiths Road Waratah, consisting part of the site and adjoining sites to the east***





Newcastle Local Environmental Plan 2012

Local Area Context Map

Cadastre

- Cadastre base data 01/08/2007 © LPMA
- Addendum data 21/02/2013 © Newcastle City Council
- Subject Site
- Suburb boundary
- LGA boundary



Projection GDA 1994
Zone 56

0 100 200m

Scale 1:5,000 @ A4

Planning Proposal - Cnr Griffiths & Christo Roads Waratah Local Area
Context Map





Newcastle Local Environmental Plan 2012

Site Air Photo Map

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site
-  Suburb boundary



Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Cnr Griffiths & Christo Roads Waratah Site Air
Photo Map



PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The intent of this planning proposal is to enable the site to be developed for the use of a hospital.

PART 2 - EXPLANATION OF PROVISIONS

In order to achieve the intended outcome, it is proposed that Newcastle LEP 2012 be amended to include 'hospitals' as being "permitted with consent" in the R2 Low Density Residential zone.

The proposed amendment will apply to all land zoned R2 Low Density Residential within Newcastle LEP 2012, including the site.

The proposed amendment is shown in red below:

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- To accommodate a diversity of housing forms that respects the amenity, heritage and character of surrounding development and the quality of the environment.*

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

*Boarding houses; Child care centres; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; **Hospitals**; Neighbourhood shops; Recreation areas; Residential accommodation; Respite day care centres; Roads; Tourist and visitor accommodation*

4 Prohibited

Backpackers' accommodation; Hostels; Rural workers' dwellings; Serviced apartments; any other development not specified in item 2 or 3."

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 prepared in response to a request by the applicant to enable the redevelopment and expansion of an existing hospital facility on land which currently prohibits this use and to which existing use rights do not apply.

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

Yes, including hospitals as a permissible use within the R2 Low Density Residential Zone is considered the best option to achieve the intended outcome, as this option does not restrict permissibility to a specific site or area but allows for future growth of existing hospitals, where considered suitable under Section 79 (c) of the Environmental Planning and Assessment Act 1979.

Furthermore, it is unlikely for this planning proposal to result in an increase in new hospitals proposed across the city, given hospitals are already permitted within other zones under State Environmental Planning Policy – Infrastructure (2007).

Other options that were considered include:

- Rezoning the land to a zone in which hospitals are permitted. However, this option would result in a zoning which is otherwise inconsistent with Newcastle Urban Strategy. In addition this option would require further rezoning if the hospital required expansion in the future.
- Application of Schedule 1 to enable hospitals to be included as an additional permitted use on the land. Once again this option would require a further amendment if the hospital required expansion in the future.

Section B - Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Lower Hunter Regional Strategy (2006)

The Lower Hunter Regional Strategy applies to the land. The aim of this Strategy is to ensure that adequate land is available to accommodate the projected housing and employment growth in the Hunter Region over the next 25 years.

The proposal will enable the provision of health services to the community and contribute to generating further employment opportunities and is therefore considered consistent with this aim.

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

Newcastle 2030 Community Strategic Plan

Council adopted the Newcastle 2030 Community Strategic Plan in February 2011. The planning proposal primarily aligns to the strategic direction 'Open and Collaborative Leadership' identified within the Newcastle Community Strategic Plan 2030.

Compliance with the LEP amendment process, in particular section 57 – community consultation of the Environmental Planning and Assessment (EP&A) Act 1979, will assist in achieving the strategic objective; "Consider decision-making based on collaborative, transparent and accountable leadership" and the identified strategy 7.2(b), which states: "Provide opportunities for genuine and representative community engagement in local decision making".

Newcastle Urban Strategy (NUS)

The proposal is consistent with the principles, strategies, identified within the NUS. The proposal will enable opportunities for employment and community health services and will not adversely impact on the hierarchy of existing commercial centres.

The site is on a major transport route, accessible by public transport, and is located nearby to other medical serviced infrastructure.

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

Consistency (of the planning proposal) with State Environmental Planning Policies is outlined in the table below.

Table 1 - Consideration of State Environmental Planning Policies

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 1—Development Standards	No	
State Environmental Planning Policy No 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 Land sharing 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, there are no known records of koalas on site.
State Environmental Planning Policy No 47—Moore Park Showground	No	

Name of SEPP	Applicable	Consistency
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	Yes, future signage on the site will be compatible with the desired amenity and visual character of the local area.
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	

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy (Rural Lands) 2008	No	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007	No	
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	
SEPP (State and Regional Development) 2011	No	

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

Consistency (of the planning proposal) with Ministerial Directions is outlined in the table below.

Table 2 - Consideration of Section 117 Direction

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 but will enable an additional non-residential use within the R2 zone. Hence, effectively resulting in a minor reduction of existing housing stock. However, the proposal will have a lesser impact on the potential loss of dwellings than by permitting hospitals within higher density residential zones, which is already permitted under SEPP Infrastructure (2007).
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	No	

S117 Direction	Applicable	Consistent
3.4 Integrating Land Use and Transport	Yes	Yes, the proposal is consistent with the objectives of this direction as the site is strategically located for the proposed use and will not affect transport choices.
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	Yes	Yes, the planning proposal is consistent with the Lower Hunter Regional Strategy and does not undermine achievement of its vision, land use strategy, policies, outcomes, or actions.
5.2 Sydney Drinking Water Catchments	No	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.8 Second Sydney Airport: Badgerys Creek	No	
6. Local Plan Making		
6.1 Approval and Referral Requirements	No	
6.2 Reserving Land for Public Purposes	No	
6.3 Site Specific Provisions	No	

Section C - Environmental, social, and economic impact

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

The site is currently developed for urban purposes and the planning proposal has no potential for critical habitat or threatened species, populations or ecological communities, or their habitats, to be adversely affected.

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

Mine Subsidence

The site is not located within a Mine Subsidence District.

Hydrology and Water Management

The site is not located within a flood prone area.

Bushfire

According to Newcastle Bush Fire Hazard Map (2009) the land is not affected by bushfire risk or in the vicinity of such a risk

Heritage

There are no listed items of environmental heritage on site or in the vicinity of the site.

Contamination

There is no known contamination of the land and the current and former uses of the land are unlikely to have caused risk of contamination.

Traffic Impacts and Vehicular and Pedestrian Access

The proposal may result in an increase in traffic generation, due to the expansion of an existing hospital facility. However, such details will be assessed should a development proposal result from this proposal.

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

The site does not contain any items of European or Aboriginal cultural heritage.

The planning proposals will have a positive impact on the social environment by improving the quality and range of hospital services and facilities available to the community.

An amendment as proposed will not result in hospitals being developed throughout the LGA within the residential zoned lands and nonetheless would require vigorous merit based assessment.

Section D - State and Commonwealth interests

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

The site is within an existing urban area and is adequately serviced by infrastructure utilities.

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

No State and Commonwealth public authorities have been consulted at this stage but will be carried out in accordance with the requirements of the gateway determination.

PART 4 – MAPPING

The Planning proposal does not seek to amend any maps within Newcastle LEP 2012

PART 5 – COMMUNITY CONSULTATION

The planning proposal is considered as low impact in accordance with the Department of Planning's guidelines, 'A guide to preparing local environmental plans'. Hence, it is proposed that the planning proposal will be publicly exhibited for a minimum 14 day period.

Council has not identified any agencies to consult prior to public exhibition of the planning proposal but will do so if required as a condition of the gateway determination.

PART 6 – PROJECT TIMELINE

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

Task	Planning Proposal Timeline											
	Mar 13	Apr 13	May 13	Jun 13	Jul 13	Aug 13	Sep 13	Oct 13	Nov 13	Dec 13	Jan 14	Feb 14
Issue of Gateway Determination												
Prepare any outstanding studies												
Consult with required State Agencies												
Exhibition of planning proposal and technical studies												
Review of submissions and preparation of report to Council												
Report to Council following exhibition												
Planning Proposal sent back to Department requesting that the draft LEP be prepared												

Planning Proposal



Clause 4.1A

(Exceptions to minimum lot sizes for certain residential development)

March 2013

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CLAUSE 4.1A (EXCEPTIONS TO MINIMUM LOT SIZES FOR CERTAIN RESIDENTIAL DEVELOPMENT)

Summary of Proposal

Proposal Instrument amendment – Clause 4.1A Exceptions to minimum lot sizes for certain residential development

Background

Newcastle LEP 2012 contains the following clause:

4.1A Exceptions to minimum lot sizes for certain residential development

- (1) *The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.*
- (2) *This clause applies to development on land in the following zones:*
 - (a) *Zone R2 Low Density Residential,*
 - (b) *Zone R3 Medium Density Residential,*
 - (c) *Zone B1 Neighbourhood Centre,*
 - (d) *Zone B2 Local Centre,*
 - (e) *Zone B4 Mixed Use.*
- (3) *Development consent may be granted to a single development application for development to which this clause applies that is both of the following:*
 - (a) *the subdivision of land into 2 or more lots,*
 - (b) *the erection of an attached dwelling, a semi-detached dwelling or a dwelling house on each lot resulting from the subdivision, if the size of each lot is equal to or greater than 200 square metres.*

The minimum lot size for the subdivision of land for residential purposes is 400m² (eastern planning district) or 450m² (western planning district). The intent of clause 4.1A is to permit the subdivision of land into smaller lots sizes, down to 200m², if a development application is approved at the same time for the dwellings to be erected on the land.

However, the wording of the clause appears to restrict the subdivision of land into smaller lots when it is proposed to retain a dwelling on one of the lots because subclause (3)(b) states that there must be the *erection* of a dwelling on 'each' of the lots created.

It is not uncommon in Newcastle for the owner of a site with an existing dwelling to propose the subdivision of the land into two lots, retain the existing dwelling on one lot and propose the erection of a new dwelling on the other. Clause 4.1A does not permit this type of development.

Prior to the adoption of the Standard Instrument LEP, Council did not have minimum lot sizes for the subdivision of multi unit housing in its LEP. As part of the conversion of Council's 2003 LEP into the standard LEP format the Department of Planning and Infrastructure required the adoption of its model clause 4.1A as shown above.

It was not Council's intention in preparing the Newcastle 2012 LEP to preclude subdivision of land that proposes the retention of an existing dwelling on one of the resultant lots as a form of development within Newcastle.

Council considered a report on this matter at its meeting held on 4 December 2012 where it resolved to grant delegations to the General Manager to determine variations to the minimum lot size permitted under clause 4.1 Minimum subdivision lot size, so that applications that proposed the retention of a dwelling in the redevelopment of sites did not have to be reported to Council for determination. The granting of delegations was considered an interim measure until the clause could be amended and clarified.

Site

The planning proposal applies to all land where attached dwellings, semi-detached dwellings or dwelling houses are permissible with consent, i.e. the R2 Low Density zone, R3 Medium Density zone, B1 Neighbourhood Centre zone, B2 Local Centre zone and B4 Mixed Use zone.

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The objective is to amend clause 4.1A to clarify that it may also apply to development that retains an existing dwelling on a lot created under its provisions.

PART 2 - EXPLANATION OF PROVISIONS

Amend clause 4.1A to read:

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.*
- (2) This clause applies to development on land in the following zones:*
 - (a) Zone R2 Low Density Residential,*
 - (b) Zone R3 Medium Density Residential,*
 - (c) Zone B1 Neighbourhood Centre,*
 - (d) Zone B2 Local Centre,*
 - (e) Zone B4 Mixed Use.*
- (3) Development consent may be granted to a single development application for development to which this clause applies that is both of the following:*
 - (a) the subdivision of land into 2 or more lots,*
 - (b) **the erection or retention** of an attached dwelling, a semi-detached dwelling or a dwelling house on each lot resulting from the subdivision, if the size of each lot is equal to or greater than 200 square metres.*

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 the result of the interpretation of clause 4.1A and its unintended restriction on certain forms of residential accommodation.

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

Yes, amendment to the clause is the best means of achieving the objective. An alternative could be to remove minimum lot sizes for subdivision of multi unit housing from the LEP. Prior to the adoption of the Standard Instrument LEP, Council did not have minimum lot sizes for 'urban housing' in its LEP. However, the Department of Planning and Infrastructure required the adoption of this model clause as part of the conversion to the Standard Instrument.

Section B - Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Lower Hunter Regional Strategy (2006)

The Lower Hunter Regional Strategy applies to the land. The aim of this Strategy is to ensure that adequate land is available to accommodate the projected housing and employment growth in the Hunter Region over the next 25 years.

The planning proposal is aimed at encouraging the delivery of a variety of housing types.

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

Newcastle 2030 Community Strategic Plan

Council adopted the Newcastle 2030 Community Strategic Plan in February 2011. The planning proposal primarily aligns to the strategic direction 'Open and Collaborative Leadership' identified within the Newcastle Community Strategic Plan 2030.

Compliance with the LEP amendment process, in particular section 57 – community consultation of the Environmental Planning and Assessment (EP&A) Act 1979, will assist in achieving the strategic objective; "Consider decision-making based on collaborative, transparent and accountable leadership" and the identified strategy 7.2b, which states: "Provide opportunities for genuine and representative community engagement in local decision making".

Newcastle Urban Strategy (NUS)

The Newcastle Urban Strategy is based on the principles of Newcastle Urbanism. The aim of Newcastle Urbanism is to:

Provide greater choices to the community, in terms of access to housing, employment, transport, and social and cultural services, while offering reduced travel demand, improved air quality and greater identity for Newcastle, its city centre, and its district and neighbourhood centres.

The planning proposal is consistent with the principles of the NUS. The objective of the planning proposal is to remove a restriction on the subdivision of land for certain residential development.

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

Consistency (of the planning proposal) with State Environmental Planning Policies is outlined in the table below.

Table 1 - Consideration of State Environmental Planning Policies

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 1—Development Standards	No	
State Environmental Planning Policy No 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)	Yes	Consistent
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	No	
State Environmental Planning Policy No 47—Moore Park Showground	No	

Name of SEPP	Applicable	Consistency
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	
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	

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy (Rural Lands) 2008	No	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007	No	
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	
SEPP (State and Regional Development) 2011	No	

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

Consistency (of the planning proposal) with Ministerial Directions is outlined in the table below.

Table 2 - Consideration of Section 117 Direction

S117 Direction	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	Yes	Yes. The planning proposal affects residential development in the B1, B2 and B4 zones. It is consistent with the objective of supporting the viability of centres.
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 is consistent with the objective of this direction to encourage a variety of housing types.
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	

S117 Direction	Applicable	Consistent
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	Yes	Yes. The planning proposal is consistent with the Lower Hunter Regional Strategy and does not undermine achievement of its vision, land use strategy, policies, outcomes, or actions.
5.2 Sydney Drinking Water Catchments	No	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.8 Second Sydney Airport: Badgerys Creek	No	
6. Local Plan Making		
6.1 Approval and Referral Requirements	No	
6.2 Reserving Land for Public Purposes	No	
6.3 Site Specific Provisions	No	

Section C - Environmental, social, and economic impact

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

No.

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

No.

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

Yes. The planning proposal allows the retention of existing dwellings and the provision of different dwelling types, thereby creating greater housing choice to the community.

Section D - State and Commonwealth interests

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

Yes.

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

State and Commonwealth public authorities will be consulted in accordance with the requirements of the gateway determination.

PART 4 – MAPPING

The Planning proposal does not seek to amend any maps within Newcastle LEP 2012.

PART 5 – COMMUNITY CONSULTATION

The planning proposal is considered as low impact in accordance with the Department of Planning's guidelines, 'A guide to preparing local environmental plans'. Hence it is proposed that the planning proposal will be publicly exhibited for a minimum 14 day period.

Any other relevant agencies will be consulted in accordance with the requirements of the gateway determination.

PART 6 – PROJECT TIMELINE

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

	Mar 13	Apr 13	May 13	Jun 13	Jul 13	Aug 13	Sep 13	Oct 13	Nov 13	Dec 13	Jan 14	Feb 14
Issue of Gateway Determination												
Prepare any outstanding studies												
Consult with required State Agencies												
Exhibition of planning proposal and technical studies												
Review of submissions and preparation of report to Council												
Report to Council following exhibition												
Planning Proposal sent back to Department requesting that the draft LEP be prepared												

Planning Proposal



**44 and 46 George Street , 9 and 17 James Street,
2 John Street, 1, 3, 5, 7, 9, 11, 13, 15, and 17 Robert
Street, Wallsend**

March 2013

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44 AND 46 GEORGE STREET , 9 AND 17 JAMES STREET, 2 JOHN STREET, 1, 3, 5, 7, 9, 11, 13, 15, AND 17 ROBERT STREET, WALLSEND

Summary of Proposal

Proposal	44 and 46 George Street , 9 and 17 James Street, 2 John Street, 1, 3, 5, 7, 9, 11, 13, 15, and 17 Robert Street, Wallsend
Property Description	Lots 1 and 2 DP 782449, Lot 100 DP 830522, Lots 8 and 9 DP 215847, Lot 1 DP 1128915, Lots 1 and 2 DP 785573, Lots A and 7 DP 21506, Lot 1 DP 199439, Lot 10 DP 732886, Lot 9 DP 742252, Lot 11 DP 743842, Lot 1 DP 997805, Lot 1 DP 1037859, Lots 12 and 13 DP 1047638, and Lot 78 DP 1083035,
Applicant Details	Monteath & Powys Pty Ltd

Background

Council has received a request to amend Newcastle LEP 2012 in order to enable the redevelopment of the land for medium density residential land use.

Council has identified an increase in complaints from neighbouring residential properties in recent years as a result of the ongoing truck movements into and out of the subject site. The proposal seeks to eliminate the existing land use conflicts between existing residential and industrial uses.

The existing access to, and egress from, the industrial uses is through residential streets, which are not designed to cater for heavy vehicle movements. This is exacerbated by the lack of opportunity to provide an alternative access to the arterial road to the north (Minmi Road).

The site itself is better suited to alternative land uses due to close proximity to the centre of Wallsend.

Site

The site is located approximately 400m to the commercial centre of Wallsend. (see **Figure 1:** Local Context of Site).

The site is surrounded by existing residential development to the east and south, and open space to the east and north. Part of the reason for the rezoning is the land use conflicts that exist between the residential area adjoining the subject site, (see **Figure 2:** Air photo of site).



Newcastle Local Environmental Plan 2012

Local Area Context Map

Cadastre

- Cadastre base data 01/08/2007 © LPMA
- Addendum data 21/02/2013 © Newcastle City Council
- Subject Site
- Suburb boundary
- LGA boundary



Projection GDA 1994
Zone 56

0 100 200m

Scale 1:5,000 @ A4

Planning Proposal - Robert, John and James Streets Wallsend -
Local Area Context Map





Newcastle Local Environmental Plan 2012

Site Air Photo Map

Cadastral

-  Cadastre base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site
-  Suburb boundary



Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Robert, John and James Streets Wallsend -
Site Air Photo Map



PART 1 - OBJECTIVES OR INTENDED OUTCOMES

To enable development of the site for the purpose of medium density adjacent to existing residential development and close to the existing town centre of Wallsend.

PART 2 - EXPLANATION OF PROVISIONS

The intended outcomes for the land are proposed to be achieved through the following amendments to Newcastle LEP 2012:

1. Amend the Zone Map in relation to the subject land from part R2 Low Density Residential zone and part IN2 Light Industry zone to an R3 Medium Density Residential zone.
2. Amend the height of building map to show a maximum building height of 10m over the subject land.
3. Amend the Floor Space Ratio Map to reflect a maximum floor space ratio of 0.9 over the subject land.
4. Amend the Minimum Lot Size Map to show a minimum lot size of 450m² over the 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 a means of addressing an ongoing conflict between residential and industrial land uses.

However, the proposed zoning is consistent with the principles of the Newcastle Urban Strategy (NUS) with respect to the proposed increases in residential densities supporting the existing adjoining commercial centre.

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

Yes, a change of zoning is considered the most appropriate means of enabling the area to transition from industrial uses to residential uses that are compatible with the surrounding neighbourhood.

Furthermore the R3 Medium Density Residential Zone will deliver a greater choice of housing within a walkable catchment to Wallsend commercial centre.

Section B - Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Lower Hunter Regional Strategy (2006)

The Lower Hunter Regional Strategy (LHRS) applies to the land. The aim of this Strategy is to ensure that adequate land is available to accommodate the projected housing and employment growth in the Hunter Region over the next 25 years.

Wallsend is identified in the LHRS as a 'Town' capable of having mixed uses with medium and higher density housing. The proposal for R3 medium density residential development would be consistent with the LHRS's aims of increasing densities within the Wallsend Township.

Newcastle-Lake Macquarie Western Corridor Planning Strategy (2010)

This strategy further reinforces Wallsend as a town centre within the subregion but does not provide specific detail related to the site.

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

Newcastle 2030 Community Strategic Plan

Council adopted the Newcastle 2030 Community Strategic Plan in February 2011. The planning proposal primarily aligns to the strategic direction 'Open and Collaborative Leadership' identified within the Newcastle Community Strategic Plan 2030.

Compliance with the LEP amendment process, in particular section 57 – community consultation of the Environmental Planning and Assessment (EP&A) Act 1979, will assist in achieving the strategic objective; "Consider decision-making based on collaborative, transparent and accountable leadership" and the identified strategy 7.2b, which states: "Provide opportunities for genuine and representative community engagement in local decision making".

Newcastle Urban Strategy (NUS)

The Newcastle Urban Strategy (NUS) is the major strategic land use study for the Newcastle local government area.

The proposal is consistent with the objectives of the NUS for Wallsend. The proposal seeks to provide medium density housing within an 'easy walk' from Wallsend, which will facilitate housing choice in the Wallsend area, as well as provide additional choice for elderly, but more mobile, residents in Wallsend. Overall, the proposal will reinforce Wallsend as a sub-regional centre for Newcastle.

Newcastle Industrial Land analysis

The Newcastle Industrial Land Analysis was completed in 2005 and updated in 2009. The study identifies Newcastle's current industrial land resources and current and future industrial land demands that will enable Council to make informed decisions on the provision of industrial land over the next 20 years.

This report recommended the subject site be retained for industrial development as it would enable the expansion of Maryland Industrial Estate. However, since then the industrial lands to the north of the subject land were purchased and given approval for a Bunnings hardware store. Hence any potential links to the Maryland Industrial Estate are severed, resulting in an isolated parcel of industrial land with no direct access to an arterial road.

The nearby Maryland Industrial Estate provides a range of smaller scale automotive, landscaping, and other industries that support the local region. However, unlike the subject land, this estate has adequate buffers to nearby residential areas and has direct access to an arterial road.

Council has recently endorsed an amendment to Newcastle LEP 2012, which created an additional 2.1 ha of light industrial zoned land at 240 Maitland Road Sandgate. Despite this amendment not being part of this proposal, Council is satisfied that this will contribute to offsetting the proposed loss of 2.6 ha of (flood free) light industrial zoned land. Furthermore, the new industrial land at Sandgate is a more appropriate site for industrial development as it is less constrained, adjoins a major arterial road, and is surrounded by industrial land.

Furthermore there are other areas of new large scale industrial land being developed within the City of Newcastle, which includes Black Hill, Freeway North, and land near the Port of Newcastle.

In summary, although the Newcastle Industrial Land analysis (2009) suggested that the subject site should be retained for industrial development, Council supports the planning proposal on the following grounds:

- The subject land requires access through residential streets, as there is no potential for a direct access for large delivery vehicles to the nearest collector road (Minmi Road).
- The current industrial use of the land conflicts with the adjacent residential neighbourhood, and is the subject of consistent complaint from the community.
- Redevelopment of the site for medium density residential uses will reinforce Wallsend's role identified within the NUS and LHRS.
- The subject site is within an easy 400m walk from Wallsend town centre.
- There are other more appropriately located vacant industrial sites within the City of Newcastle and within the Lower Hunter Region.
- Current trends for industrial development have identified the need for larger business parks rather than smaller areas like the subject land.

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

Consistency (of the planning proposal) with State Environmental Planning Policies is outlined in the table below.

Table 1 - Consideration of State Environmental Planning Policies

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 1—Development Standards	No	
State Environmental Planning Policy No 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	
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 site.
State Environmental Planning Policy No 47—Moore Park Showground	No	

Name of SEPP	Applicable	Consistency
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, further investigation of contamination of the site will be carried out prior to exhibiting this planning proposal.
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	
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	

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	
State Environmental Planning Policy (Rural Lands) 2008	No	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007	No	
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	
SEPP (State and Regional Development) 2011	No	

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

Consistency (of the planning proposal) with Ministerial Directions is outlined in the table below.

Table 2 - Consideration of Section 117 Direction

S117 Direction	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	Yes	No, this planning proposal is inconsistent with this direction, as it proposes to reduce the area of industrial zoned land by 3.5 ha. However, Council is satisfied that this inconsistency is justified (in section 4 above) and that this loss is offset by the increases in industrial land elsewhere within the city. Furthermore, this area is of minor significance in comparison to the total land zoned for industrial and business purposes across the city.
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	Yes, the proposal is consistent with this direction as it will enable a greater choice of housing to be provided, make more efficient use of existing infrastructure and services, and reduce the consumption of land for housing and associated urban development on the urban fringe.
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	No	
3.4 Integrating Land Use and Transport	Yes	Yes the proposal will enable residential uses within a 400m walkable catchment to Wallsend commercial centre, public transport, and adjacent sporting facilities.
3.5 Development Near Licensed Aerodromes	No	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	Yes, works carried out on the land must be undertaken in accordance with Clause 6.1 Acid sulfate soils of the Newcastle Local Environmental Plan 2012.
4.2 Mine Subsidence and Unstable Land	No	
4.3 Flood Prone Land	Yes	Yes, the planning proposal is consistent with this direction.
4.4 Planning for Bushfire Protection	Yes	The northern edge of the land is identified as being within a bushfire buffer zone within the Newcastle Bushfire Prone Land Map 2009, hence a bushfire assessment will be prepared following gateway and Council will consult with the Commissioner of the NSW Rural Fire Service prior to community consultation.
5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	Yes, the planning proposal is consistent with the Lower Hunter Regional Strategy and does not undermine achievement of its vision, land use strategy, policies, outcomes, or actions.
5.2 Sydney Drinking Water Catchments	No	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	

S117 Direction	Applicable	Consistent
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	
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	Yes	Yes the planning proposal will not impose any additional development standards to the land. However, Council will require a Masterplan be prepared for the site, prior to finalising and exhibiting of the Planning Proposal, to address potential issues including traffic management, flooding, bushfire etc.

Section C - Environmental, social, and economic impact

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

No, the site is currently developed for urban purposes and does not contain critical habitat, threatened species, populations or ecological communities, or habitats.

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

Mine Subsidence

The site is not located within a Mine Subsidence District.

Hydrology and Water Management

The land is subject to the Wallsend Floodplain Risk Management Study and Plan for the Wallsend Commercial Centre (2009).

Some areas of the land are affected by a floodway for about 11m inside the boundary adjoining Ironbark causeway. The majority of the remaining subject land is identified as flood fringe and as such *"Flood Fringe areas would, in general, not be subject to any restrictions relating to the extent of the development."*

A flood study will be prepared as part of the environmental study to assess the site and potential development. The flood study will provide an assessment against the State Government's Floodplain Development Manual.

The flooding on site comes from the backup of stormwater during significant events. The flooding assessment will also be complemented by a stormwater assessment and management plan.

Bushfire

According to Newcastle Bush Fire Hazard Map (2009) the northern edge of the land is identified as a bushfire buffer. Further assessment of this risk and consultation with the Commissioner of the NSW Rural Fire Service will occur prior to community consultation.

Heritage

There are no listed items of environmental heritage on site or in the vicinity of the site.

Contamination

Council records indicate that the land is contaminated from current and former uses on the land. A detailed assessment and remediation plan will be required prior to finalising or exhibiting this planning proposal.

Traffic Impacts and Vehicular and Pedestrian Access

As previously identified, the current street network is insufficient for catering for large volumes of heavy vehicles, associated with industrial uses. However, further assessment is required prior to finalising and exhibiting the planning proposal to ensure adequate traffic control is identified for an increase in vehicle trips generated by the proposed residential uses.

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

No items of European or Aboriginal cultural heritage have been identified on the land.

The planning proposal will enable a change in land use which is more compatible with the adjoining neighbourhood and hence reduce current conflicts between industrial and residential land uses. Furthermore, the proposal will provide opportunities for a greater choice in housing.

The planning proposals will result in a minor loss of employment land within the locality but recognises that the creation of other employment land within the city will compensate this loss.

Section D - State and Commonwealth interests

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

Yes, the subject land is sufficiently supplied with existing infrastructure and services.

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

No State or Commonwealth public authorities were consulted in preparing this planning proposal. However, consultation will be carried out in accordance with gateway determination.

PART 4 – MAPPING

The planning proposal seeks to amend the following maps within Newcastle LEP 2012:

- Land Zoning Map
- Height of Buildings Map
- Floor Space Ratio Map
- Minimum Lot Size Map

The following maps are included to illustrate the mapping amendments proposed:

- **Figure 3:** Existing Land Zoning Map
- **Figure 4:** Proposed Land Zoning Map
- **Figure 5:** Existing Max Height of Buildings Map
- **Figure 6:** Proposed Max Height of Buildings Map
- **Figure 7:** Existing Max Floor Space Ratio Map
- **Figure 8:** Proposed Max Floor Space Ratio Map
- **Figure 9:** Existing Min Lot Size Map
- **Figure 10:** Proposed Min Lot Size Map



Newcastle Local Environmental Plan 2012

Existing Land Zoning Map

Cadastral

- Cadastre base data 01/08/2007 © LPMA
- Addendum data 21/02/2013 © Newcastle City Council
- Subject Site

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- IN3 Heavy Industrial
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP1 Special Activities
- SP2 Infrastructure
- W2 Recreational Waterways
- UL Unzoned Land

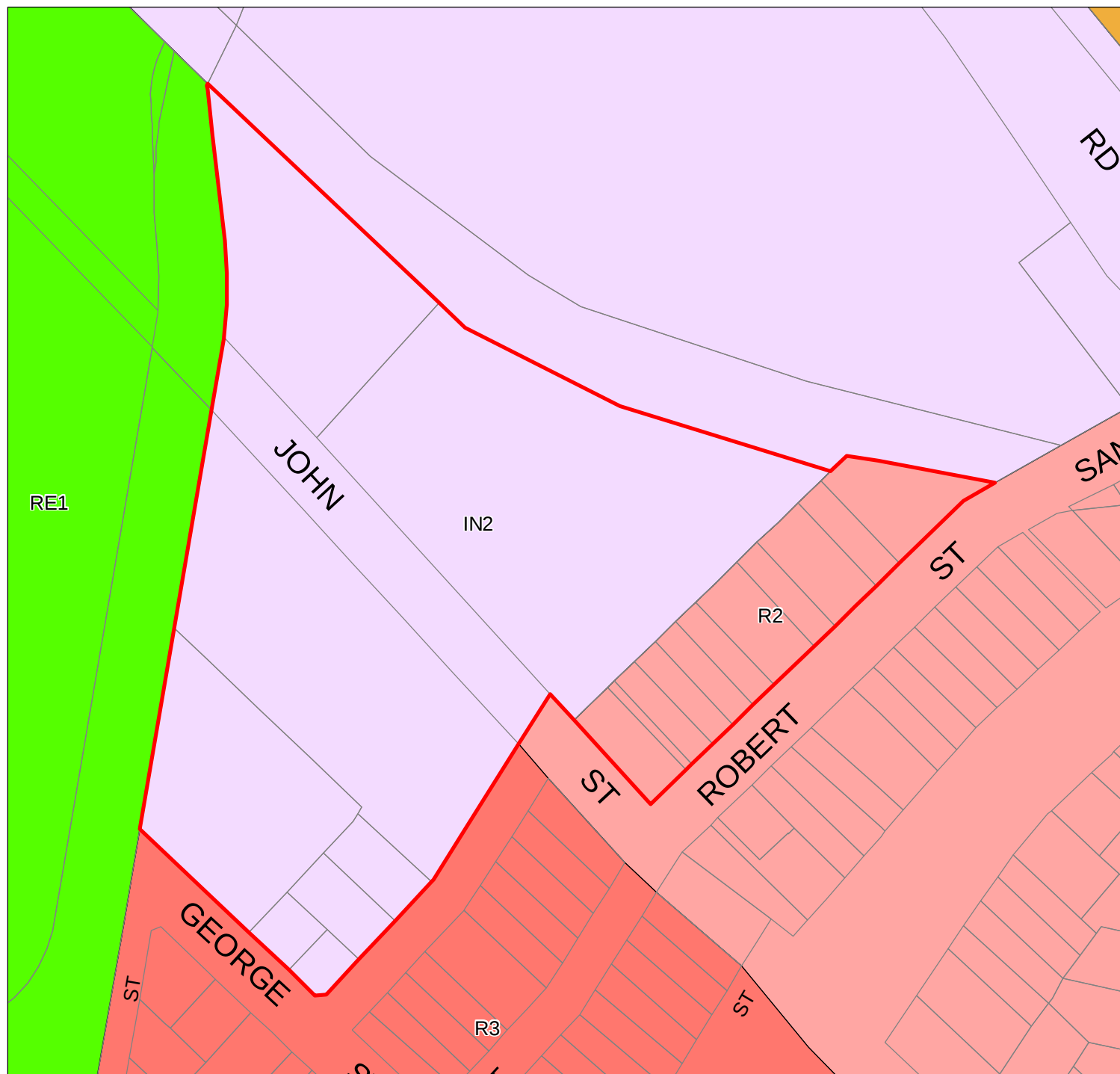


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Robert, John and James Streets Wallsend -
Existing Land Zoning Map





Newcastle Local Environmental Plan 2012

Proposed Land Zoning Map

Cadastral

- Cadastral base data 01/08/2007 © LPMA
- Addendum data 21/02/2013 © Newcastle City Council
- Subject Site

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- IN3 Heavy Industrial
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP1 Special Activities
- SP2 Infrastructure
- W2 Recreational Waterways
- UL Unzoned Land

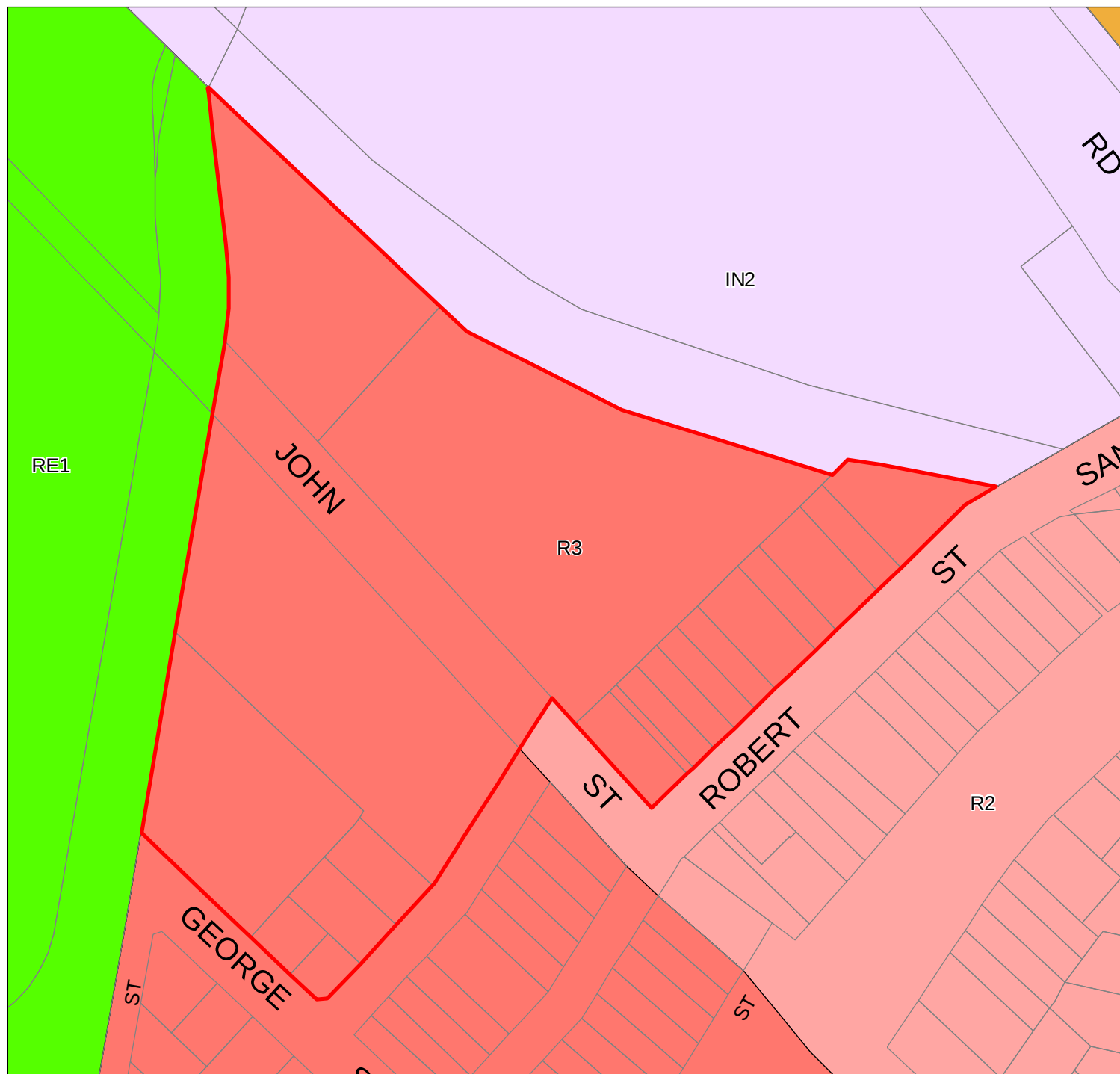


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Robert, John and James Streets Wallsend -
Proposed Land Zoning Map





Newcastle Local Environmental Plan 2012

Existing Max Height of Building Map

Cadastral

-  Cadastre base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site

Maximum Building Height (m)

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

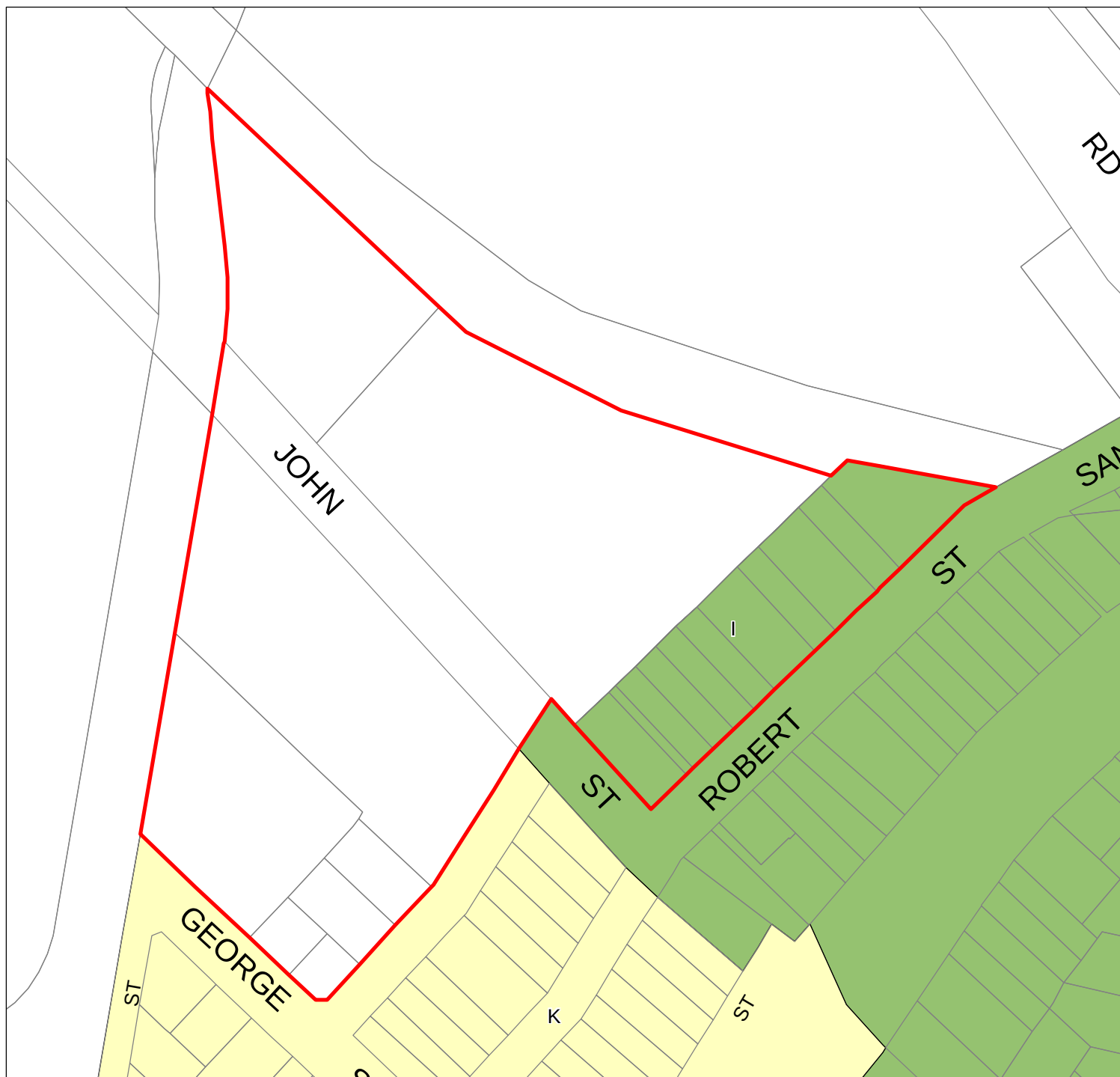


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Robert, John and James Streets Wallsend -
Existing Max Height of Building Map





Newcastle Local Environmental Plan 2012

Proposed Max Height of Building Map

Cadastral

-  Cadastre base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site

Maximum Building Height (m)

I	8.5
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AB	90

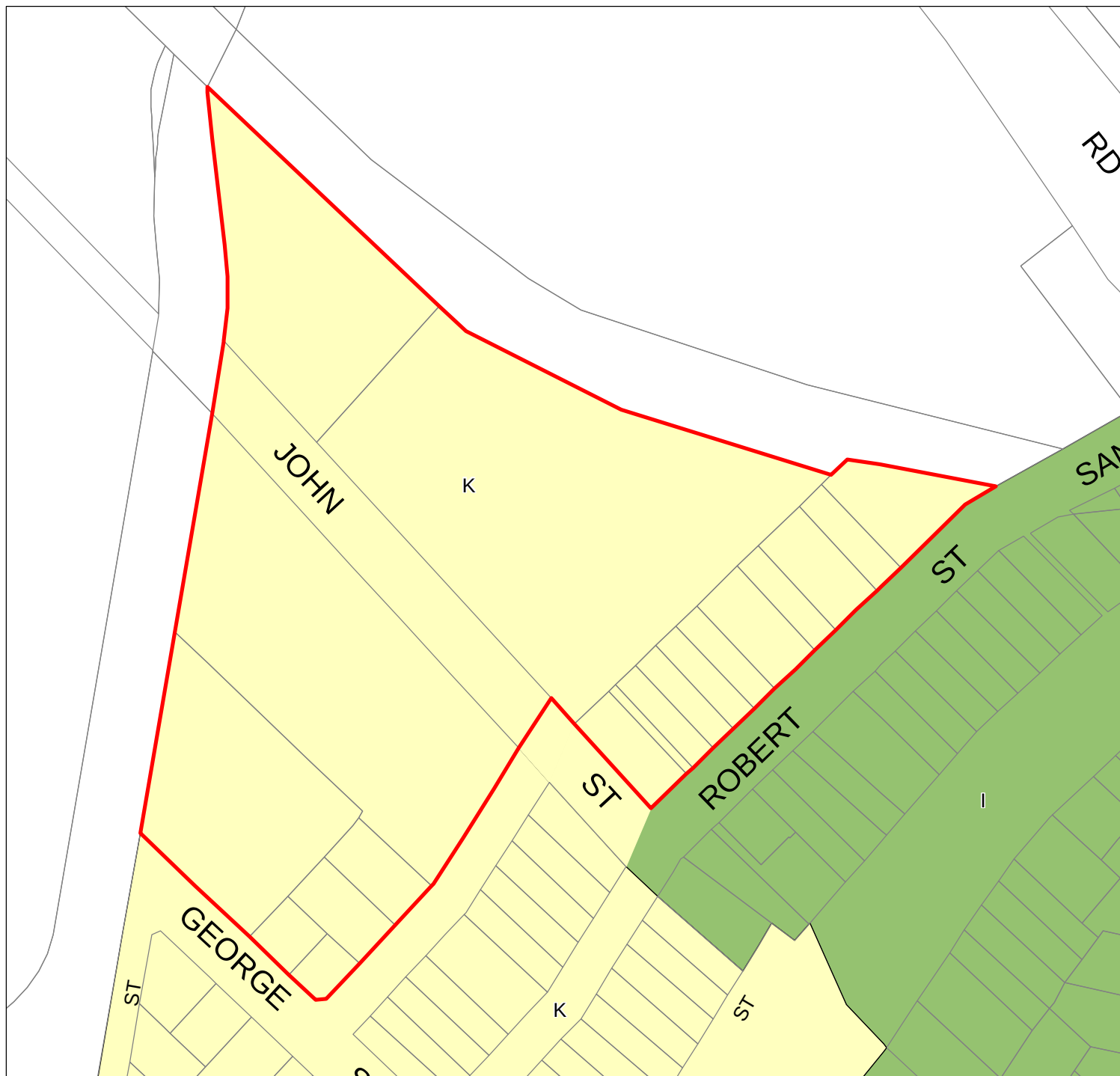


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Robert, John and James Streets Wallsend -
Proposed Max Height of Building Map





Newcastle Local Environmental Plan 2012

Existing Max Floor Space Ratio Map

Cadastral

-  Cadastre base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site

Maximum Floor Space (n:1)

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

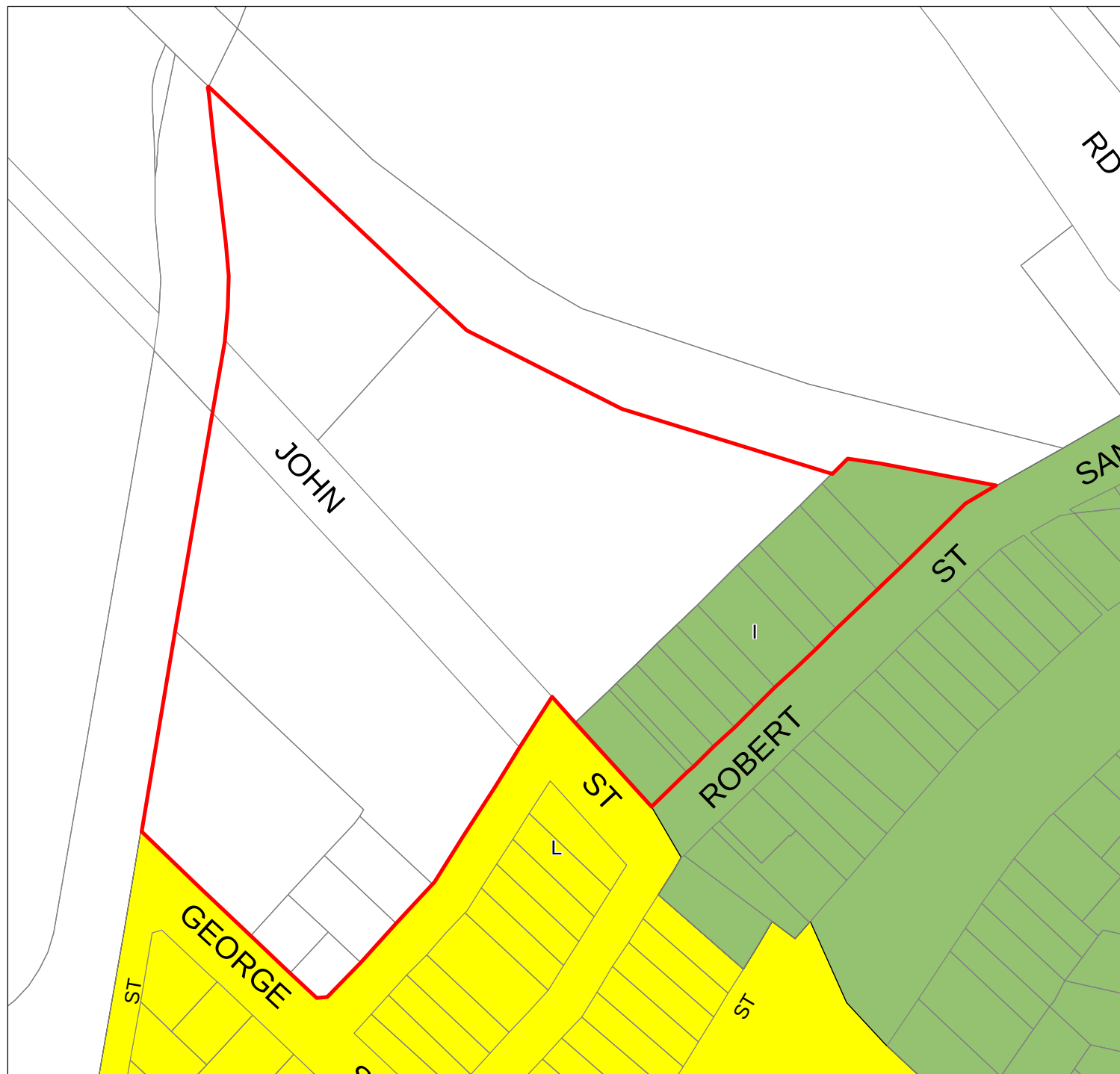


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Robert, John and James Streets Wallsend -
Existing Maximum Floor Space Ratio Map





Newcastle Local Environmental Plan 2012

Proposed Max Floor Space Ratio Map

Cadastre

- Cadastre base data 01/08/2007 © LPMA
- Addendum data 21/02/2013 © Newcastle City Council
- Subject Site

Maximum Floor Space (n:1)

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

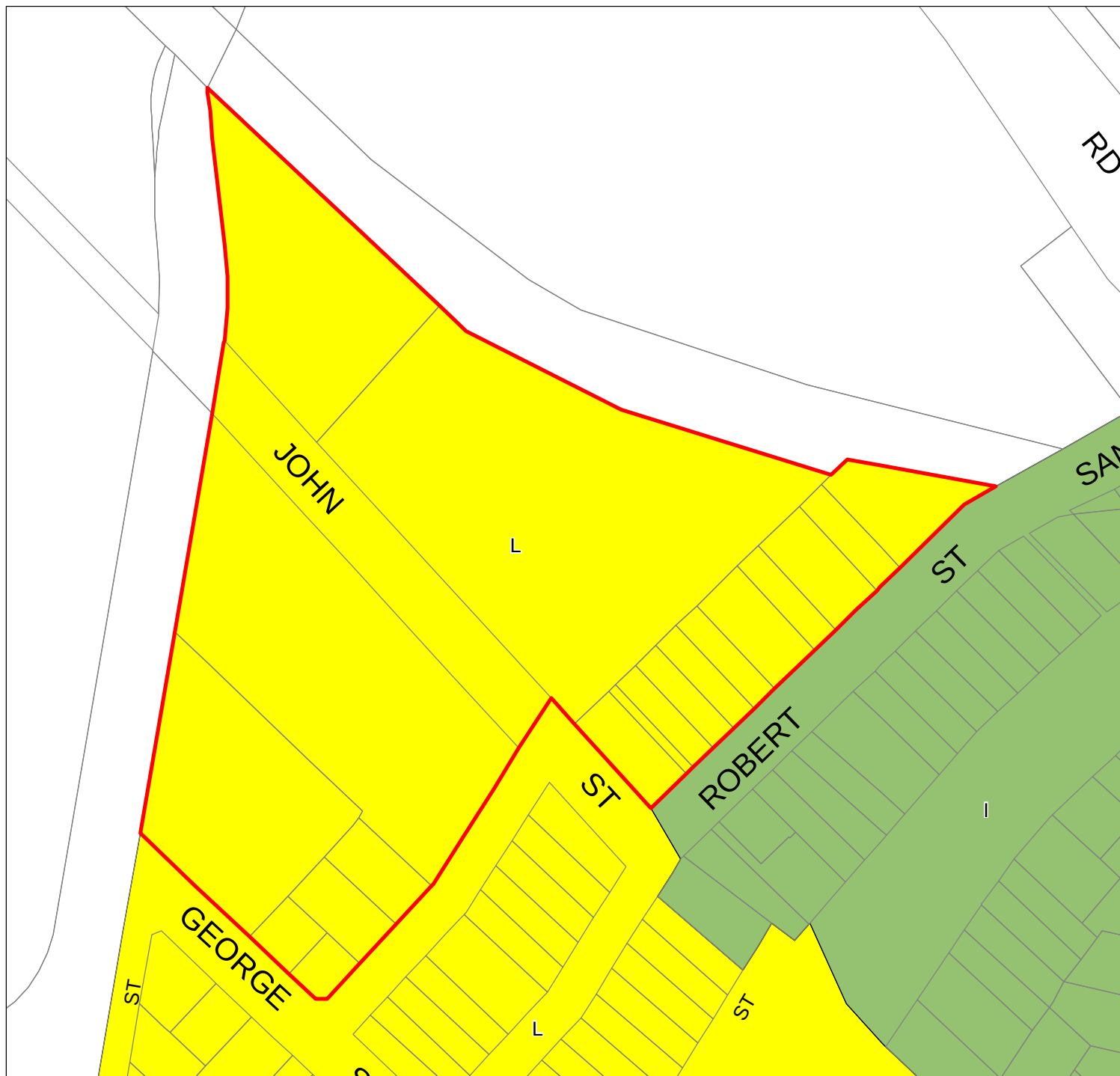


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Robert, John and James Streets Wallsend -
Maximum Floor Space Ratio Map





Newcastle Local Environmental Plan 2012

Existing Min Lot Size Map

Minimum Lot Size (sq m)

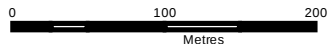
F	400
G	450
U	1 000
Y	10 000 (1 ha)
Z	20 000 (2 ha)
AB	400 000 (40 ha)

Cadastral

Cadastral base data 01/08/2007 © LPMA
Addendum data 26/09/2012 © Newcastle City Council

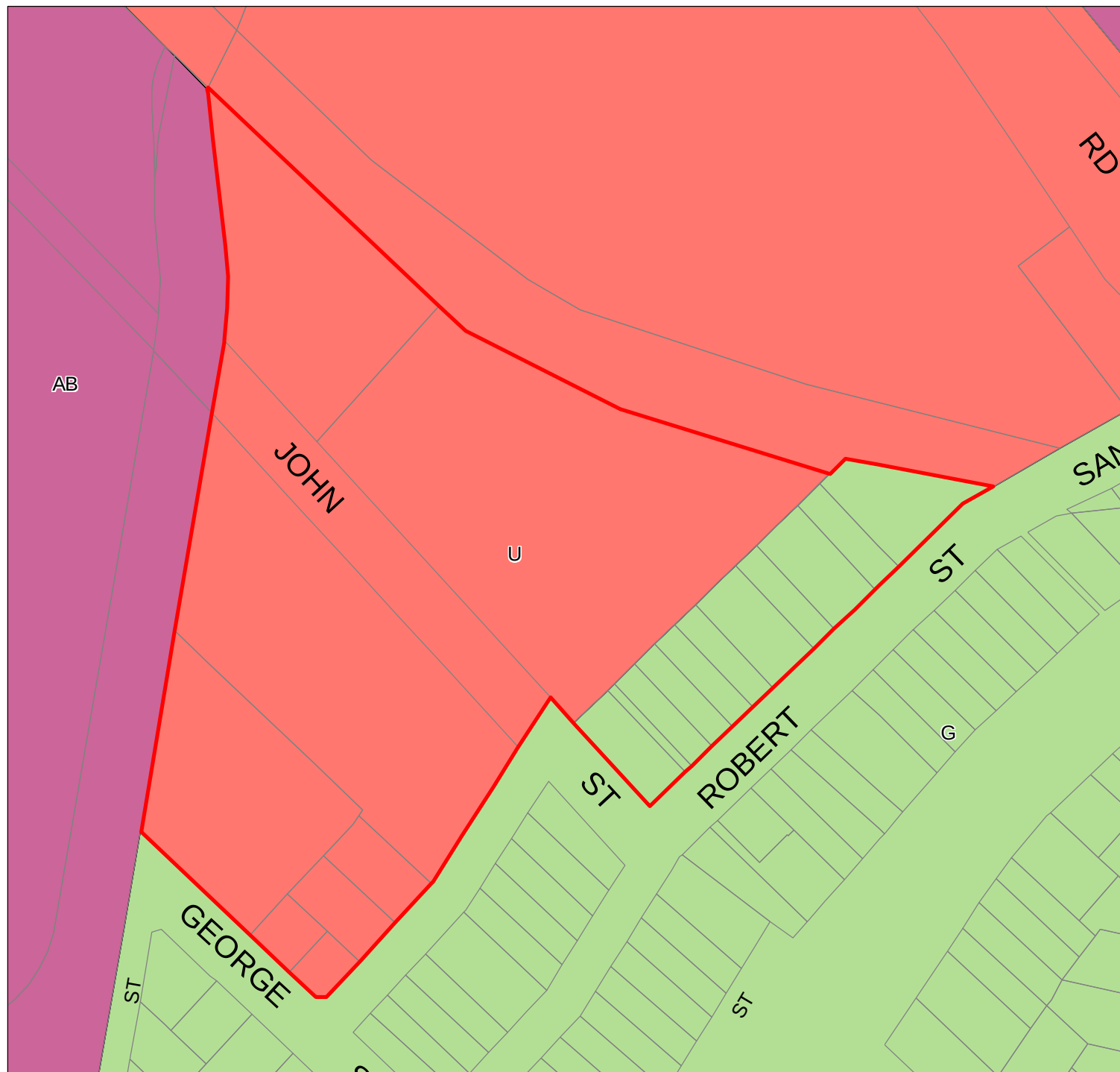


Projection GDA 1994
Zone 56



Scale 1:5000 @ A4

Planning Proposal - Robert, John and James Streets Wallsend -
Existing Min Lot Size Map





Newcastle Local Environmental Plan 2012

Proposed Min Lot Size Map

Minimum Lot Size (sq m)

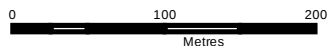
F	400
G	450
U	1 000
Y	10 000 (1 ha)
Z	20 000 (2 ha)
AB	400 000 (40 ha)

Cadastral

Cadastral base data 01/08/2007 © LPMA
Addendum data 26/09/2012 © Newcastle City Council

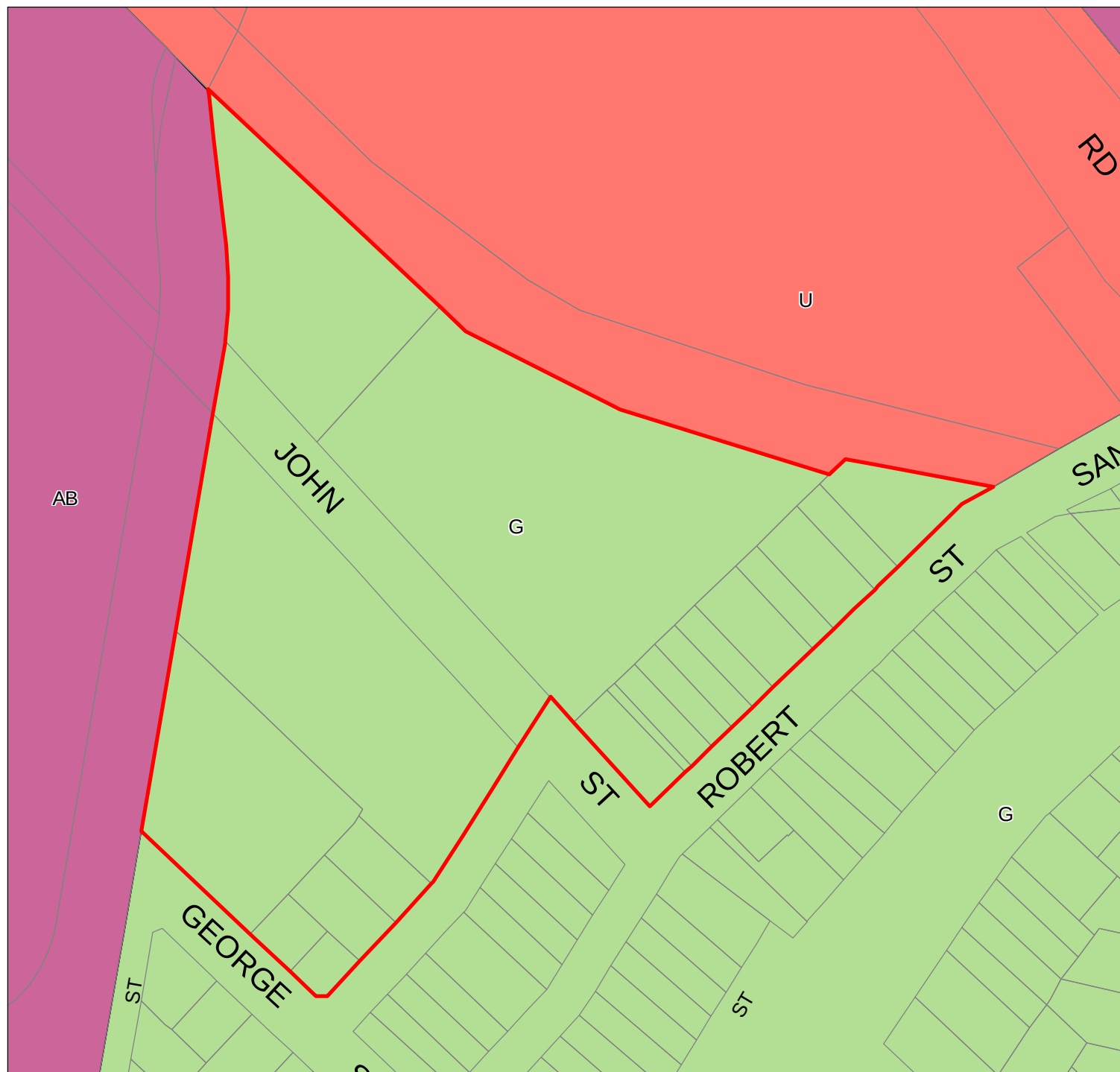


Projection GDA 1994
Zone 56



Scale 1:5000 @ A4

Planning Proposal - Robert, John and James Streets Wallsend -
Proposed Min Lot Size Map



PART 5 – COMMUNITY CONSULTATION

Council has determined that the planning proposal is not considered as low impact given its inconsistency with the Newcastle Industrial Lands Analysis (2009). Hence, it is proposed that the planning proposal will be publicly exhibited for a minimum 28 day period.

Council propose to consult with the following agencies prior to public exhibition of the planning proposal:

- NSW Roads and Maritime Services
- NSW Rural Bushfire Services

Any other relevant agencies will be consulted in accordance with the requirements of the gateway determination.

PART 6 – PROJECT TIMELINE

The project is expected to be completed within 12 months from Gateway Determination.
The following timetable is proposed:

Task	Planning Proposal Timeline											
	Mar 13	Apr 13	May 13	Jun 13	Jul 13	Aug 13	Sep 13	Oct 13	Nov 13	Dec 13	Jan 14	Feb 14
Issue of Gateway Determination												
Prepare any outstanding studies												
Consult with required State Agencies												
Exhibition of planning proposal and technical studies												
Review of submissions and preparation of report to Council												
Report to Council following exhibition												
Planning Proposal sent back to Department requesting that the draft LEP be prepared												

Planning Proposal



**113-125 Parry Street, Newcastle West
and 41-43 Denison Street, Hamilton East**

March 2013

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113-125 Parry Street, Newcastle West and 41-43 Denison Street, Hamilton East

Summary of Proposal

Proposal	To amend Newcastle LEP 2012 to allow mixed use development on the subject sites	
Property Details	113-125 Parry Street, Newcastle West and 41-43 Denison Street, Hamilton East	Lots 9-14 DP 456092, Lot 1 DP 551981, Lot 3 DP 630408 and Lot 101 DP 701314
Applicant Details	DK and JA Holdings Pty Ltd	

Background

Council has received a request to amend Newcastle LEP 2012 in order to better reflect current land uses and enable a mix of uses on the land in the future.

Under Newcastle LEP 2003 the site was zoned 2(b) Urban Core. The zone was converted to R3 Medium Density Residential under the Newcastle LEP 2012. The current use of the petrol station is not permitted in the R3 Zone.

The proposed change of zone would provide more development opportunity for this prominent location in Newcastle West. The existing infrastructure and location of the site on a classified main road would cater directly to a B4 Mixed Use zone. The opportunity for different residential types or commercial types would allow for broader development choices in this area.

Site

The site is located on the southern side of Parry Street and extends around a corner to Denison Street. The primary vehicular access is from Parry Street. A private lane with right of way for adjoining properties bounds the site on the west. Land located on the northern side of Parry Street is zoned B4 Mixed Use. Land in other areas north, south and west are zoned R3 Medium Density Residential. The Hamilton TAFE campus is to the south of Skelton Street. The lots to the west adjacent to the private lane contain private residences. Land fronting the northern side of Skelton Street is vacant and owned by Ausgrid (see **Figure 1:** Local Context of Site).

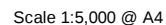
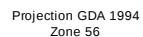
The proposal consists of land 113 to 125 Parry St Newcastle West and 41 to 43 Denison St Hamilton East, described as lots 9 to 14 DP 456092, Lot 1 DP 551981, Lot 3 DP 630408 and Lot 101 DP 701314. It is 2150m² in area.

Development on the site comprises three buildings: a petrol station, motor vehicle rental premises and a two storey building utilised as two separate dwellings (see **Figure 2:** Air Photo of Site).



Cadastral

 Subject Site
 Suburb boundary
 LGA boundary



Planning Proposal - Parry Street Newcastle West and
Denison Street Hamilton East - Local Area Context Map





Newcastle Local Environmental Plan 2012

Site Air Photo Map

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site
-  Suburb boundary



Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Parry Street Newcastle West and
Denison Street Hamilton East - Site Air Photo Map

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

To enable mixed use development of the Parry Street and Denison Street sites.

PART 2 - EXPLANATION OF PROVISIONS

Amend Newcastle Local Environmental Plan 2012 for the land as described:

1. Amend Land Use Zoning Map to reflect a B4 Mixed Use.
2. Amend the Height of Buildings Map to reflect a maximum height of 14m.
3. Amend the Floor Space Ratio (FSR) Map to allow a maximum FSR of 1:5.

PART 3 – JUSTIFICATION

Section A - Need for the planning proposal

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

No, however the planning proposal is consistent with the objectives and desired outcomes of the Lower Hunter Regional Strategy (LHRS). The planning proposal will provide for additional residential and/or employment generating development and is located at the start of an identified urban renewal corridor.

Furthermore, the site adjoins the Newcastle Urban Renewal SEPP city centre boundary and the planning proposal will complement the urban renewal aims of the SEPP.

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 will ensure the zoning of the land reflects it's current and projected future land uses.

The proposed B4 Mixed Use Zone is consistent with the zoning of land in the immediate vicinity on the opposite side Parry Street.

Alternative amendments, including additional permissible uses within the zone or the use of Schedule 1 for the land, were not considered as suitable options.

Section B - Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Lower Hunter Regional Strategy (2006)

The Lower Hunter Regional Strategy applies to the land. The aim of this Strategy is to ensure that adequate land is available to accommodate the projected housing and employment growth in the Hunter Region over the next 25 years.

Although this project is small in scale it will contribute to generating opportunities for employment and higher residential densities that will support Newcastle City Centre, which is identified as the regional city within the strategy.

The proposal's consistency with all relevant "Actions" of the Strategy is addressed below.

Table 1: Assessment of the proposal against the relevant Actions within the LHRS

Action	Consistency
Local councils are to adopt employment capacity projections for larger centres and local government areas through the identification and zoning of sufficient employment land as identified in Tables 2 and 4.	The rezoning of the subject site for mixed use development will assist in providing additional land to help meet expected employment demands.
Ensure a mix of housing types in proximity to employment to provide the necessary supply of labour locally. This includes housing for lower as well as higher income groups to fill the diversity of employment opportunities provided.	The rezoning of the land for mixed use development will not restrict the potential for the site to be developed for residential purposes.
Sufficient land and development capacity will be identified and rezoned to provide for an additional 69,000 dwellings in new release areas and 46,000 dwellings in existing urban areas and centres to meet forecasted demands for an additional 115,000 dwellings over the next 25 years.	The rezoning of the subject site to mixed use will not restrict the site's capability to accommodate a variety of residential development.

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

Newcastle 2030 Community Strategic Plan

Council adopted the Newcastle 2030 Community Strategic Plan in February 2011. The planning proposal primarily aligns to the strategic direction 'Open and Collaborative Leadership' identified within the Newcastle Community Strategic Plan 2030.

Compliance with the LEP amendment process, in particular section 57 – community consultation of the Environmental Planning and Assessment (EP&A) Act 1979, will assist in achieving the strategic objective; "Consider decision-making based on collaborative, transparent and accountable leadership" and the identified strategy 7.2b, which states: "Provide opportunities for genuine and representative community engagement in local decision making".

Newcastle Urban Strategy (NUS)

The planning proposal is consistent with the principle and objectives of the NUS; in particular the following objective set out in the neighbourhood visions and objectives:

“Facilitate development to create a transitional area between core commercial and residential precincts, particularly in the blocks adjacent to Beaumont Street, Tudor Street and Parry Street.”

The proposal will support the function of the Newcastle City Centre and the Hamilton Urban Renewal Corridor.

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

Consistency (of the planning proposal) with State Environmental Planning Policies is outlined in the table below.

Table 2 - Consideration of State Environmental Planning Policies

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 1—Development Standards	No	
State Environmental Planning Policy No 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	

Name of SEPP	Applicable	Consistency
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	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	Yes	Yes, further investigation of contamination of the site will be carried out prior to exhibiting this planning proposal
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	Yes, future signage on the site will be compatible with the desired amenity and visual character of the local area.
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	

Name of SEPP	Applicable	Consistency
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, any DA for redevelopment of the service station will be referred to RMS as per clause 104 of this SEPP.
State Environmental Planning Policy (Kosciusko National Park—Alpine Resorts) 2007	No	
State Environmental Planning Policy (Major Development) 2005	No	
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	
State Environmental Planning Policy (Rural Lands) 2008	No	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007	No	
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	
SEPP (State and Regional Development) 2011	No	

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

Consistency (of the planning proposal) with applicable Ministerial Directions is outlined in the table below.

Table 3 - Consideration of Section 117 Direction

S117 Direction	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	Yes	The planning proposal is consistent with this Direction, as it provides for new mixed use zoned land; complies with the objectives of the Direction; and will assist in meeting the land requirements for employment areas defined by the LHRS.
1.2 Rural Zones	No	
1.3 Mining, Petroleum Production and Extractive Industries	No	
1.4 Oyster Aquaculture	No	
1.5 Rural Lands	No	

S117 Direction	Applicable	Consistent
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, this planning proposal will not restrict the capability of the site to be developed for a variety of residential accommodation types.
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	No	
3.4 Integrating Land Use and Transport	Yes	Yes, the proposal is consistent with the objectives of this direction as the site is strategically located for the proposed use and will not affect transport choices.
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	Yes	Yes, the land is identified as being flood prone, being located within the flood fringe. Development is permitted within the flood fringe but will need to comply with Council's development controls, which can be applied should a DA be prepared as a result of this proposal.
4.4 Planning for Bushfire Protection	No	
5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	Yes, the planning proposal is consistent with the Lower Hunter Regional Strategy and supports achievement of its vision, land use strategy, policies, outcomes, or actions.
5.2 Sydney Drinking Water Catchments	No	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No	

S117 Direction	Applicable	Consistent
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.8 Second Sydney Airport: Badgerys Creek	No	
6. Local Plan Making		
6.1 Approval and Referral Requirements	No	
6.2 Reserving Land for Public Purposes	No	
6.3 Site Specific Provisions	No	

Section C - Environmental, social, and economic impact

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

The site is currently developed for urban purposes and the planning proposal has no potential for critical habitat or threatened species, populations or ecological communities, or their habitats, to be adversely affected.

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

Mine Subsidence

The site is located within a mine subsidence district. Council will consult with the mine subsidence board prior carrying out community consultation.

Hydrology and Water Management

The site is located within a flood prone area but is not identified within a flood way or in flood storage. Hence, Council is satisfied that the planning proposal not be restricted on grounds of flooding.

Bushfire

According to Newcastle Bush Fire Hazard Map (2009) the land is not affected by bushfire risk or in the vicinity of such a risk.

Heritage

There are no known items or places of Aboriginal or non-indigenous heritage significance associated with the site.

The Newcastle City Centre heritage conservation area, is bounded by Parry Street to the east of the site. The Hamilton South Heritage Conservation area is approximately 100m to the south. There are several heritage items located within close proximity to the site including the Hamilton TAFE College across Skelton Street to the south.

Other items within a 300m radius include:

- Newcastle District ambulance station
- St Josephs convent and Sacred Heart Cathedral and school
- Dairy Farmers building
- Former Castlemaine Brewery
- Cambridge Hotel, and
- Several residential dwellings

If during site works a potential artefact is unearthed, then works will cease and appropriate guidance sought from the relevant government departments to ensure that the artefact is appropriately protected.

Contamination

Council is aware of contamination on part of the land due to its past and current use as a service station. Further studies and information will be provided by the applicant with respect to this matter prior to community consultation.

Traffic Impacts and Vehicular and Pedestrian Access

The redevelopment of the site is unlikely to have significant adverse impacts on traffic movements in the area given the high level of traffic movements generated by the existing service station development on the site and the high level of traffic in the surrounding area.

However, Parry Street is a classified road hence Council will consult with the Road and Maritime Services (RMS) prior to exhibition of this proposal.

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

The proposal will potentially allow the redevelopment of the site for commercial, retail and residential uses. This will result in the creation of additional jobs which will have positive flow-on social and economic effects for the local community.

Development of the site will also allow for additional residential housing choice within the immediate area.

Overall, the proposal is anticipated to have a net positive impact on the local community.

Section D - State and Commonwealth interests

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

Yes, adequate public infrastructure is available to support potential development associated with this proposal.

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

No State and Commonwealth public authorities have been consulted at this stage but will be carried out in accordance with the requirements of the gateway determination:

These are anticipated to include both the RMS and the Mine Subsidence Board.

PART 4 – MAPPING

The planning proposal seeks to amend the following maps within Newcastle LEP 2012:

- Land Zoning Map
- Height of Buildings Map
- Floor Space Ratio Map

The following maps are included to illustrate the mapping amendments proposed:

- **Figure 3:** Existing Land Zoning Map
- **Figure 4:** Proposed Land Zoning Map
- **Figure 5:** Proposed Max Height of Buildings Map
- **Figure 6:** Proposed Max Floor Space Ratio Map



Newcastle Local Environmental Plan 2012

Existing Land Zoning Map

Cadastr

-  Cadastre base data 01/08/2007 © LPMA
Addendum data 21/02/2013 © Newcastle City Council
 Subject Site

Zone

-  B1 Neighbourhood Centre
 B2 Local Centre
 B3 Commercial Core
 B4 Mixed Use
 B5 Business Development
 E1 National Parks and Nature Reserves
 E2 Environmental Conservation
 E3 Environmental Management
 E4 Environmental Living
 IN1 General Industrial
 IN2 Light Industrial
 IN3 Heavy Industrial
 R2 Low Density Residential
 R3 Medium Density Residential
 R4 High Density Residential
 RE1 Public Recreation
 RE2 Private Recreation
 SP1 Special Activities
 SP2 Infrastructure
 W2 Recreational Waterways
 UL Unzoned Land

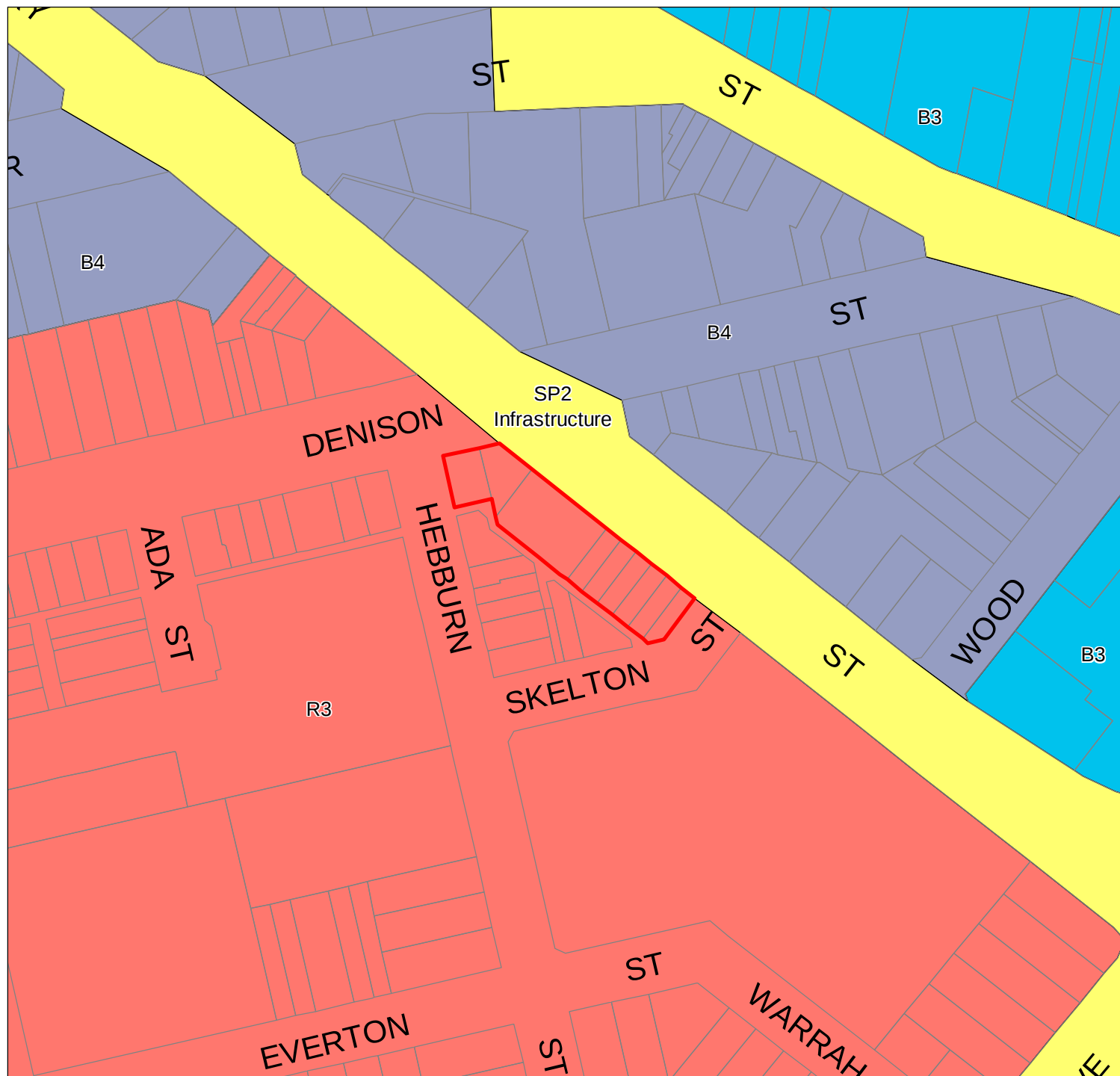


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Parry Street Newcastle West and
Denison Street Hamilton East - Existing Land Zoning Map





Newcastle Local Environmental Plan 2012

Proposed Land Zoning Map

Cadastral

-  Cadastre base data 01/08/2007 © LPMA
Addendum data 21/02/2013 © Newcastle City Council
 Subject Site

Zone

-  B1 Neighbourhood Centre
 B2 Local Centre
 B3 Commercial Core
 B4 Mixed Use
 B5 Business Development
 E1 National Parks and Nature Reserves
 E2 Environmental Conservation
 E3 Environmental Management
 E4 Environmental Living
 IN1 General Industrial
 IN2 Light Industrial
 IN3 Heavy Industrial
 R2 Low Density Residential
 R3 Medium Density Residential
 R4 High Density Residential
 RE1 Public Recreation
 RE2 Private Recreation
 SP1 Special Activities
 SP2 Infrastructure
 W2 Recreational Waterways
 UL Unzoned Land

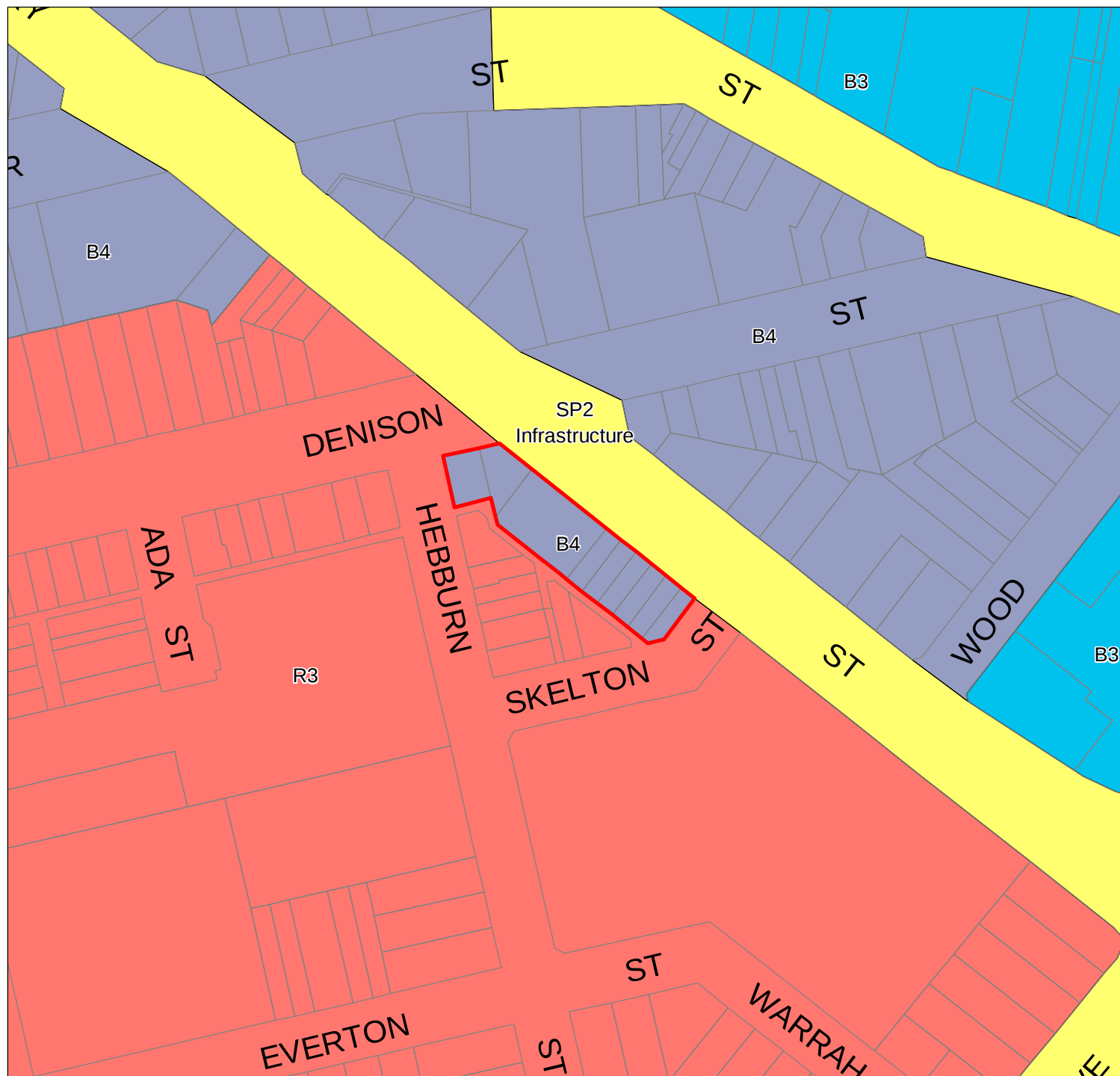


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Parry Street Newcastle West and
Denison Street Hamilton East - Proposed Land Zoning Map





Newcastle Local Environmental Plan 2012

Proposed Max Height of Building Map

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
 Addendum data 21/02/2013 © Newcastle City Council
 Subject Site

Maximum Building Height (m)

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

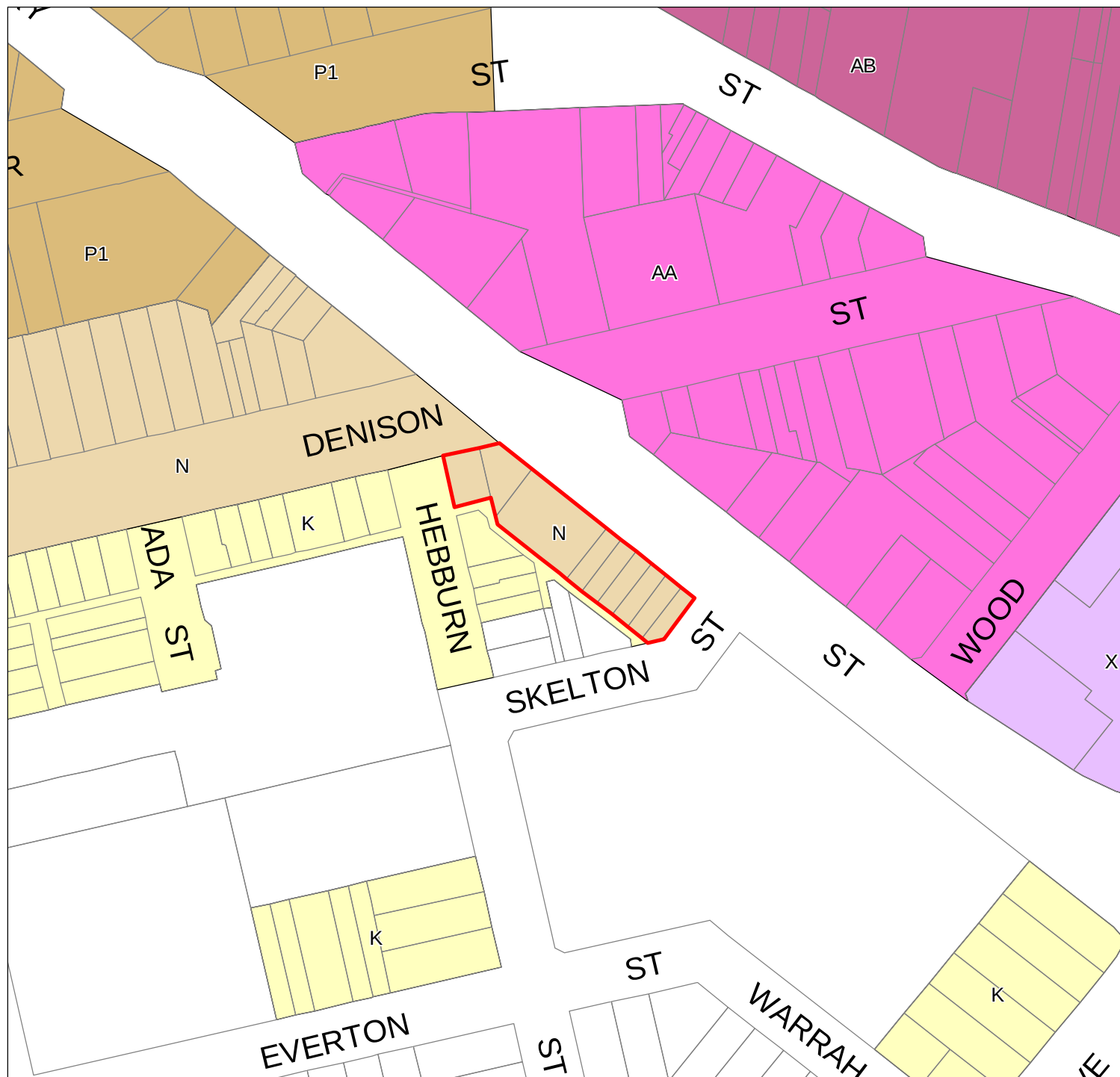


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Parry Street Newcastle West and
Denison Street Hamilton East - Proposed Max Height of Building Map





Newcastle Local Environmental Plan 2012

Proposed Max Floor Space Ratio Map

Cadastral

-  Cadastral base data 01/08/2007 © LPMA
Addendum data 21/02/2013 © Newcastle City Council
 Subject Site

Maximum Floor Space (n:1)

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

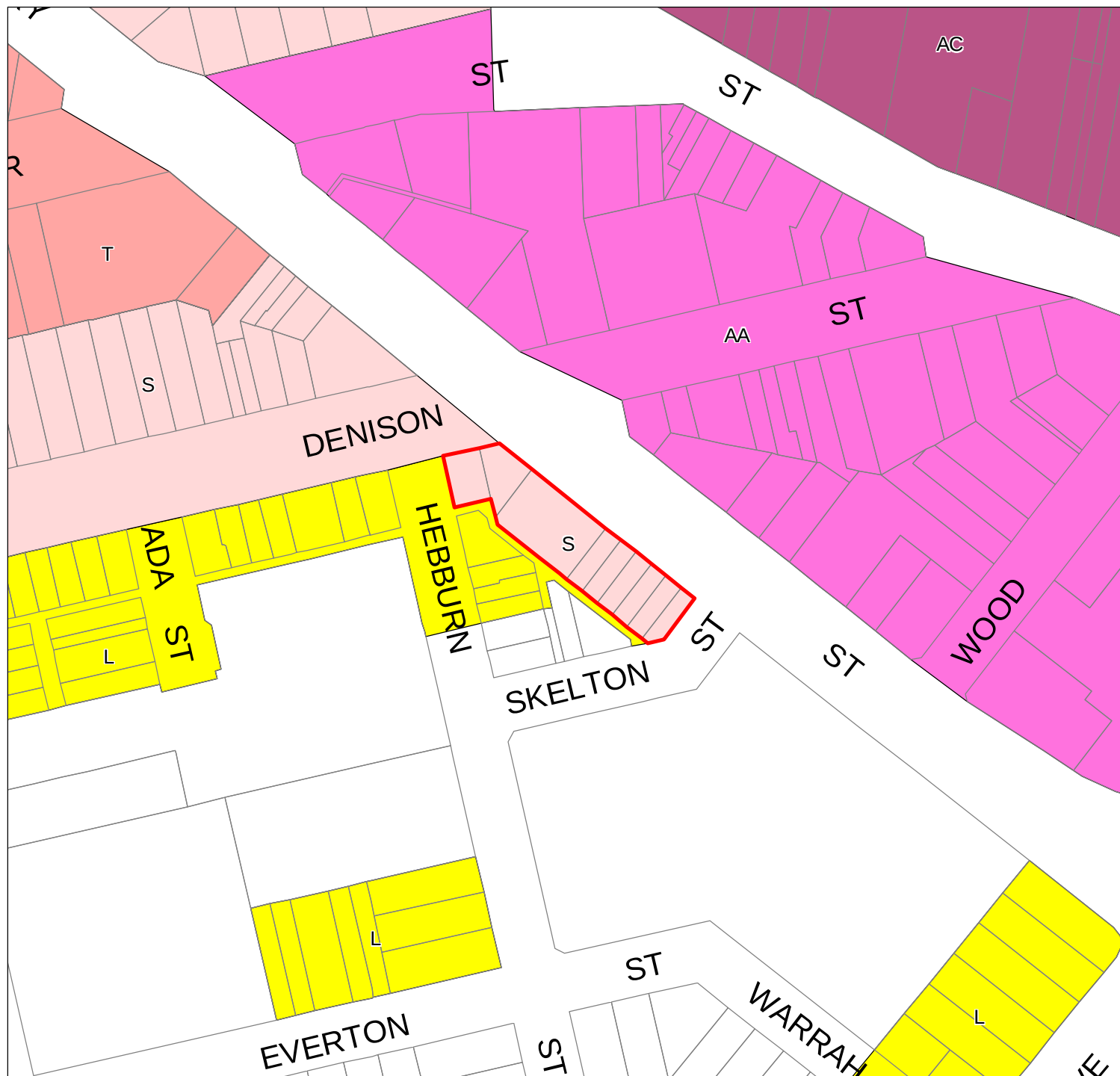


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - Parry Street Newcastle West and
Denison Street Hamilton East - Proposed Max Floor Space Ratio Map



PART 5 – COMMUNITY CONSULTATION

The planning proposal is considered as low impact in accordance with the Department of Planning's guidelines, 'A guide to preparing local environmental plans'. Hence it is proposed that the planning proposal will be publicly exhibited for a minimum 14 day period.

Council proposes to consult with the following agencies prior to public exhibition of the planning proposal:

- Roads and Maritime Services
- Mine Subsidence Board

Any other relevant agencies will be consulted in accordance with the requirements of the gateway determination.

PART 6 – PROJECT TIMELINE

The project is expected to be completed within 8 months from Gateway Determination, dependant upon the timeframe for undertaking investigation of contamination on the land to Council's satisfaction.

The following timetable is proposed:

Task	Planning Proposal Timeline											
	Mar 13	Apr 13	May 13	Jun 13	Jul 13	Aug 13	Sep 13	Oct 13	Nov 13	Dec 13	Jan 14	Feb 14
Issue of Gateway Determination												
Prepare any outstanding studies												
Consult with required State Agencies												
Exhibition of planning proposal and technical studies												
Review of submissions and preparation of report to Council												
Report to Council following exhibition (if objections received)												
Planning Proposal sent back to Department requesting that the draft LEP be prepared												

Planning Proposal



**10 Mitchell Street, 2, 4, 6, and 8 Lingard Street, and 16
Merewether Street, Merewether**

March 2013

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10 MITCHELL STREET, 2, 4, 6, AND 8 LINGARD STREET, AND 16 MEREWETHER STREET, MEREWETHER

Summary of Proposal

Proposal	10 Mitchell Street, 2, 4, 6, and 8 Lingard Street, and 16 Merewether Street Merewether,	
Property Details	10 Mitchell Street, 2, 4, 6, and 8 Lingard Street, and 16 Merewether Street Merewether,	Lots 1 to 11 SP 48635, Lots 3 and 10 in Section 3 of DP 111239, Lots 1 and 2 DP 198946, Lots 1 and 4 DP 218920, Lot 7 DP 741487, Lot 1564 DP 775503, and Lots 1 to 3 DP 1027546
Applicant Details	ADW Johnson Pty Ltd on behalf of their Client	

Background

Council has received a request to amend Newcastle LEP 2012 in order to enable the expansion of the existing hospital's health services on adjoining land currently zoned for light industrial development.

Council has previously approved a number of development application for alterations and additions to the existing Lingard Private Hospital. As a consequence the existing site has exhausted its capacity to re-develop the existing hospital any further, however demand for increased and improved health services has dictated the hospital's current need to seek out additional land on which to expand their health services.

The IN2 Light Industrial zoned land located opposite the existing Lingard Private Hospital site provides a prime opportunity for the required expansion of the hospital's health services within close proximity to the existing hospital facility for efficiency and convenience for patients and visitors and whilst maintaining the employment function of the land. However, 'health services facilities' are not a permissible use within the IN2 Light Industrial zone, hence the need for this planning proposal.

Site

The subject site upon which the proponent (HealtheCare Lingard Pty Ltd) proposes to locate their health services facility is at 22-24 Merewether Street and 6 Lingard Street, Merewether and is described as Lots 1, 2 and 3 DP 1027546. These lots have a combined total area of 1938m².

The entire IN2 zoned parcel of land the subject of the Planning Proposal consists 14 to 24 Merewether Street, 2 to 8 Lingard Street and 10 Mitchell Street, Merewether. The land is described as Lots 1, 2 & 3 DP 1027546, Lots 3 & 10 Section 3 DP 111239, Lots 1 & 4 DP 218920, Lot 7 DP 741487, Lot 1564 DP 775503, Lots 1 & 2 DP 198946, and SP 48635. This entire parcel of land has an area of approximately 1.36ha.

The subject parcel of land contains a mix of health related, commercial and industrial land uses including the following businesses:

- Merewether Commercial Centre;
 - NSA Australia & Juice Plus;
 - Custodian Wealth Builders;
 - Newcastle Locksmiths;
 - Merewether Auto Electrics;
 - Newcastle Motor Repairs;
 - Shop Gear;
 - Entech Advanced Research Laboratory;
 - Impact Heath Studios;
 - Maynew Group;
- Murphy Plumbing;
- Paul Bros Dry Cleaners;
- Sellers Quality Meat.
- Townson Commercial Centre
 - Orthopaedic Surgeon
 - Charles MacDonald Dental
 - Lingard Medical Centre
- C3 Church Merewether
- Kings Newcastle Coach Tours & Travel
- Crashcorp Newcastle
- Lingard Business Centre
 - Karana
 - Land Development Solutions
 - County Property Group
 - Fitness Physiotherapy

The subject land is surrounded by land zoned R2 Low Density Residential and RE2 Public Recreation.

Figure 1: Local Context of Site depicts the existing development pattern and local character.

Figure 2: Air Photo of Site shows the range of development footprints within the subject land.

The local character of the IN2 zoned land is further depicted in photo 1 to 8 below.

Photograph 1 View along Merewether Street.



Photograph 2: View further along Merewether Street.



Photograph 3: View , looking north along Mitchell Street.



Photograph 4: View looking west along Mitchell Street



Photograph 5: View of looking east-southeast along Lingard Street.



Photograph 6: View looking northeast along Lingard Street.



Photograph 7: View along Lingard Street.



Photograph 8: View along Mitchell Street





Newcastle Local Environmental Plan 2012

Local Area Context Map

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site
-  Suburb boundary
-  LGA boundary



Projection GDA 1994
Zone 56

0 100 200m

Scale 1:5,000 @ A4

Planning Proposal - 22 & 24 Merewether Street and 6 Lingard Street
Merewether - Local Area Context Map





Newcastle Local Environmental Plan 2012

Site Air Photo Map

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site
-  Suburb boundary



Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 22 & 24 Merewether Street and 6 Lingard Street
Merewether - Site Air Photo Map



PART 1 - OBJECTIVES OR INTENDED OUTCOMES

To enable the establishment of a health services facility on land east of the existing Lingard Private Hospital in Merewether and provide for a range of business land uses on the land.

PART 2 - EXPLANATION OF PROVISIONS

Amend Newcastle LEP 2012 with respect to land at 10 Mitchell Street, 2, 4, 6, and 8 Lingard Street, and 16 Merewether Street Merewether, described as Lots 1 to 11 SP 48635, Lots 3 and 10 in Section 3 of DP 111239, Lots 1 and 2 DP 198946, Lots 1 and 4 DP 218920, Lot 7 DP 741487, Lot 1564 DP 775503, and Lots 1 to 3 DP 1027546 as follows:

1. Amend the Land Zoning Map from IN2 Light Industrial Zone to B5 Business Development Zone.
2. Amend the Height of Building Map to include a maximum height of 10 metres.
3. Amend the Floor Space Ratio (FSR) Map to include a maximum FSR of 0.9.

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 proposal is a result of a request made to Council to amend Newcastle LEP 2012 in order to achieve the aforementioned objective.

However, Council's primary strategy governing industrial zoned lands is the Newcastle Lands Analysis 2005. Council commissioned a review of this strategy in 2009. In the 2009 review report the consultants noted that recent uses in this area of Merewether were geared towards retail and services. Furthermore, the subject site is surrounded by residential use and a hospital and so is limited in terms of appropriate industrial uses. The review report concluded that:

There are a number of small, relatively isolated industrial areas within residential contexts that could be considered for other uses. These uses include additional business and commercial uses, noting that light industrial uses should generally remain permissible.

In relation to the subject site the review report recommended that:

The change recorded towards retail is perhaps reflecting the limits of this area as an industrial zone and an appropriate business zoning could be considered.

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

Yes, the proposed B5 Business Development zone will allow the establishment of 'health services facilities' on the subject site under Clause 57(1) of State Environmental Planning Policy (Infrastructure) 2007. This zone will also better reflect the existing uses on the land and maintain the land for the purpose of employment.

Other options considered include:

- The use of Schedule 1 - Additional Permitted Uses to enable 'health services facilities' on the land. However, this option would not rectify other existing noncompliant uses located on land currently zoned IN2 Light Industrial. The range of existing uses on the land are better reflected by a B5 Business Development Zone.
- Including 'health services facilities' as a permissible use within the IN2 Light Industrial Zone. This option would affect all land within this zone and has merit. However this option may result in land use conflicts if applied within other areas of the city. Furthermore this option does not resolve other noncompliant uses operating on the land; some of which are not suitable IN2 Light Industrial Zone, as they do not reflect the objectives of this zone.

Section B - Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Lower Hunter Regional Strategy (2006)

The Lower Hunter Regional Strategy applies to the land. The aim of this Strategy is to ensure that adequate land is available to accommodate the projected housing and employment growth in the Hunter Region over the next 25 years.

The proposal will ensure the protection of employment generating opportunities and is therefore considered consistent with this aim.

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

Newcastle 2030 Community Strategic Plan

Council adopted the Newcastle 2030 Community Strategic Plan in February 2011. The planning proposal primarily aligns to the strategic direction 'Open and Collaborative Leadership' identified within the Newcastle Community Strategic Plan 2030.

Compliance with the LEP amendment process, in particular section 57 – community consultation of the Environmental Planning and Assessment (EP&A) Act 1979, will assist in achieving the strategic objective; "Consider decision-making based on collaborative, transparent and accountable leadership" and the identified strategy 7.2b, which states: "Provide opportunities for genuine and representative community engagement in local decision making".

Newcastle Urban Strategy (NUS)

The proposal is consistent with the neighbourhood vision for Merewether identified in the NUS, which states:

"Merewether's beach-side character and function as a convenient location offering high amenity, a diversity of housing types with improved local employment opportunities will be consolidated."

The proposal will provide 'improved local employment opportunities' that are reflective of the changing nature of the local economy within non-Port-related locations of Newcastle.

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

Consistency (of the planning proposal) with State Environmental Planning Policies is outlined in the table below.

Table 1 - Consideration of State Environmental Planning Policies

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 1—Development Standards	No	
State Environmental Planning Policy No 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	
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 site.
State Environmental Planning Policy No 47—Moore Park Showground	No	

Name of SEPP	Applicable	Consistency
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, The subject site currently contains a mix of commercial, retail, and light industrial uses. While none of these uses are categorised as hazardous or noxious activities, two of these do have facilities for the storage of fuel. The fuel and waste storage at both sites are being undertaken in a contained and managed manner. There is no evidence that the storage facilities are compromised and there are no current proposals to cease or modify these activities. Notwithstanding the presence of fuel storage on the part of the land, Council is satisfied that the land may be zoned B5 Business Development and remediation occur if a proposal for a sensitive use be proposed. However, further investigation of contamination of the land will be carried out prior to exhibiting this planning proposal.
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	Yes, future signage on the site will be compatible with the desired amenity and visual character of the local area.
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	No	
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	No	

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 71—Coastal Protection	Yes	Yes, The subject site is identified as being located within the NSW Coastal Zone, however the site is not considered to be a “sensitive coastal location” as it is not located within 100m of a water body.
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, The proposed ‘health services facility’ will become a permissible land use (with consent) within the prescribed B5 Business Development zone under Clause 57(1) of Division 10 – Health services facilities, of the SEPP.
State Environmental Planning Policy (Kosciusko National Park—Alpine Resorts) 2007	No	
State Environmental Planning Policy (Major Development) 2005	No	
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	
State Environmental Planning Policy (Rural Lands) 2008	No	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007	No	
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	
SEPP (State and Regional Development) 2011	No	

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

Consistency (of the planning proposal) with Ministerial Directions is outlined in the table below.

Table 2 - Consideration of Section 117 Direction

S117 Direction	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	Yes	Yes, The Planning Proposal proposes to rezone the subject land to B5 Business Development zone, which ensures the continued permissibility of existing and future business and light industrial uses within the locality.
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	Yes	Yes, whilst the subject land is identified as being located within the NSW Coastal Zone, it is not considered to be a 'sensitive coastal location' as it is not located within 100m of a water body.
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	Yes	Yes, the proposal is consistent with the objectives of this direction as the site is strategically located for the proposed use and will not affect transport choices.
3.5 Development Near Licensed Aerodromes	No	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	Yes, works carried out on the land must be undertaken in accordance with Clause 6.1 Acid sulfate soils of the Newcastle Local Environmental Plan 2012.
4.2 Mine Subsidence and Unstable Land	Yes	Yes, Council will consult with the Mines Subsidence Board prior commencement of community consultation.

S117 Direction	Applicable	Consistent
4.3 Flood Prone Land	Yes, the subject site is subject to flooding and is identified in the Newcastle City Wide Floodplain Management Plan as being affected by a flood storage area.	Yes, Consultants WBM BMT Pty Ltd have undertaken a review of the risks associated with flooding to the potential future development of the subject site. They conclude that suitable redevelopment of the subject site can be achieved on the basis that within the built area the following limitations are applied: – Buildings are required to be able to withstand the forces of floodwaters up to the PMF event; – The floor level of the first storey may be below the PMF level, but flood refuge would be required on higher levels that can temporarily accommodate all occupants of the first storey. – Alternatively, the first storey can be at a level above the PMF, and no special flood refuge area would be required (as all refuge could be provided within the developments. – There should be minimal change to the ground levels of the site. A balanced cut and fill should be sought if any filling is required. – Provisions are made to maintain existing flood storage (or maximum loss of 20%) through building design.
4.4 Planning for Bushfire Protection	No	
5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	Yes, the planning proposal is consistent with the Lower Hunter Regional Strategy and does not undermine achievement of its vision, land use strategy, policies, outcomes, or actions.
5.2 Sydney Drinking Water Catchments	No	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	
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	No	
6.2 Reserving Land for Public Purposes	No	
6.3 Site Specific Provisions	No	

Section C - Environmental, social, and economic impact

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

The site is currently developed for urban purposes and the planning proposal has no potential for critical habitat or threatened species, populations or ecological communities, or their habitats, to be adversely affected.

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

Mine Subsidence

The site is located within a Mine Subsidence District. The planning proposal will be referred to the Mines Subsidence Board for concurrence prior to commencing community consultation.

Hydrology and Water Management

As discussed above, the land is located within flood prone area.

Consultants WBM BMT Pty Ltd have undertaken a review of the risks associated with flooding to the potential future development of the subject site and have concluded that suitable redevelopment of the subject site can be achieved subject to certain limitations.

A copy of their review is attached to this planning proposal Attachment A.

Bushfire

According to Newcastle Bush Fire Hazard Map (2009) the land is not affected by bushfire risk or in the vicinity of such a risk.

Heritage

There are no listed items of environmental heritage on site or in the vicinity of the site.

Contamination

As discussed above, the land may be contaminated from fuel storage on two of the properties.

Council will require the applicant to undertake further investigation of contamination on the land prior exhibiting this planning proposal.

Traffic Impacts and Vehicular and Pedestrian Access

The land is adequately accessible to pedestrians and via public transport (bus services).

It is not anticipated that any new health services facilities resulting from this proposal require a physical linkage between the current Lingard Hospital site and the subject site, nor is it intended that there would be any regular transport of patients between the facilities.

Merewether Street has low traffic volumes and clear sightlines. The street is divided by a landscaped strip which provides for additional on street parking on the southern side of the street. The street layout provides some segregation of traffic flow increasing safety for pedestrians and vehicles. It is anticipated that pedestrian access from Lingard Hospital to the subject site would be via the intersection of Merewether and Lingard Streets.

Further traffic impact will be assessed at the DA stage when development proposals are prepared and lodged for determination.

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

The land is not identified as containing items of European or Aboriginal cultural heritage.

The proposal is expected to deliver significant net social and economic benefits. The proposal will contribute to an increase in much-needed health care services for the community, an increase in generation of employment resulting from the proposed facility, and ensure the continued permissibility of a variety of existing and future commercial and industrial land uses.

The proposal will integrate well with existing surrounding land uses including residential areas, providing an efficient expansion of the Lingard Private Hospital health facilities to surrounding residents and the wider community.

Traffic and parking will be addressed through the development control process.

Section D - State and Commonwealth interests

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

The site is already serviced by all essential infrastructure including electricity, water and sewer. The anticipated development of the site is not expected to warrant significant upgrade to existing public infrastructure.

The proposal contributes to provision of vital health services to the community and complements public health infrastructure and programs.

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

No, State and Commonwealth public authorities have been consulted at this stage but will be carried out in accordance with the requirements of the gateway determination.

Council proposes to consult with both the RMS and Mines Subsidence Board prior to commencement of community consultation.

PART 4 – MAPPING

The planning proposal seeks to amend the following maps within Newcastle LEP 2012:

- Land Zoning Map
- Height of Buildings Map
- Floor Space Ratio Map

The following maps are included to illustrate the mapping amendments proposed:

- **Figure 3:** Existing Land Zoning Map
- **Figure 4:** Proposed Land Zoning Map
- **Figure 5:** Proposed Max Height of Buildings Map
- **Figure 6:** Proposed Max Floor Space Ratio Map



Newcastle Local Environmental Plan 2012

Existing Land Zoning Map

Cadastral

-  Cadastre base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site

Zone

-  B1 Neighbourhood Centre
-  B2 Local Centre
-  B3 Commercial Core
-  B4 Mixed Use
-  B5 Business Development
-  E1 National Parks and Nature Reserves
-  E2 Environmental Conservation
-  E3 Environmental Management
-  E4 Environmental Living
-  IN1 General Industrial
-  IN2 Light Industrial
-  IN3 Heavy Industrial
-  R2 Low Density Residential
-  R3 Medium Density Residential
-  R4 High Density Residential
-  RE1 Public Recreation
-  RE2 Private Recreation
-  SP1 Special Activities
-  SP2 Infrastructure
-  W2 Recreational Waterways
-  UL Unzoned Land

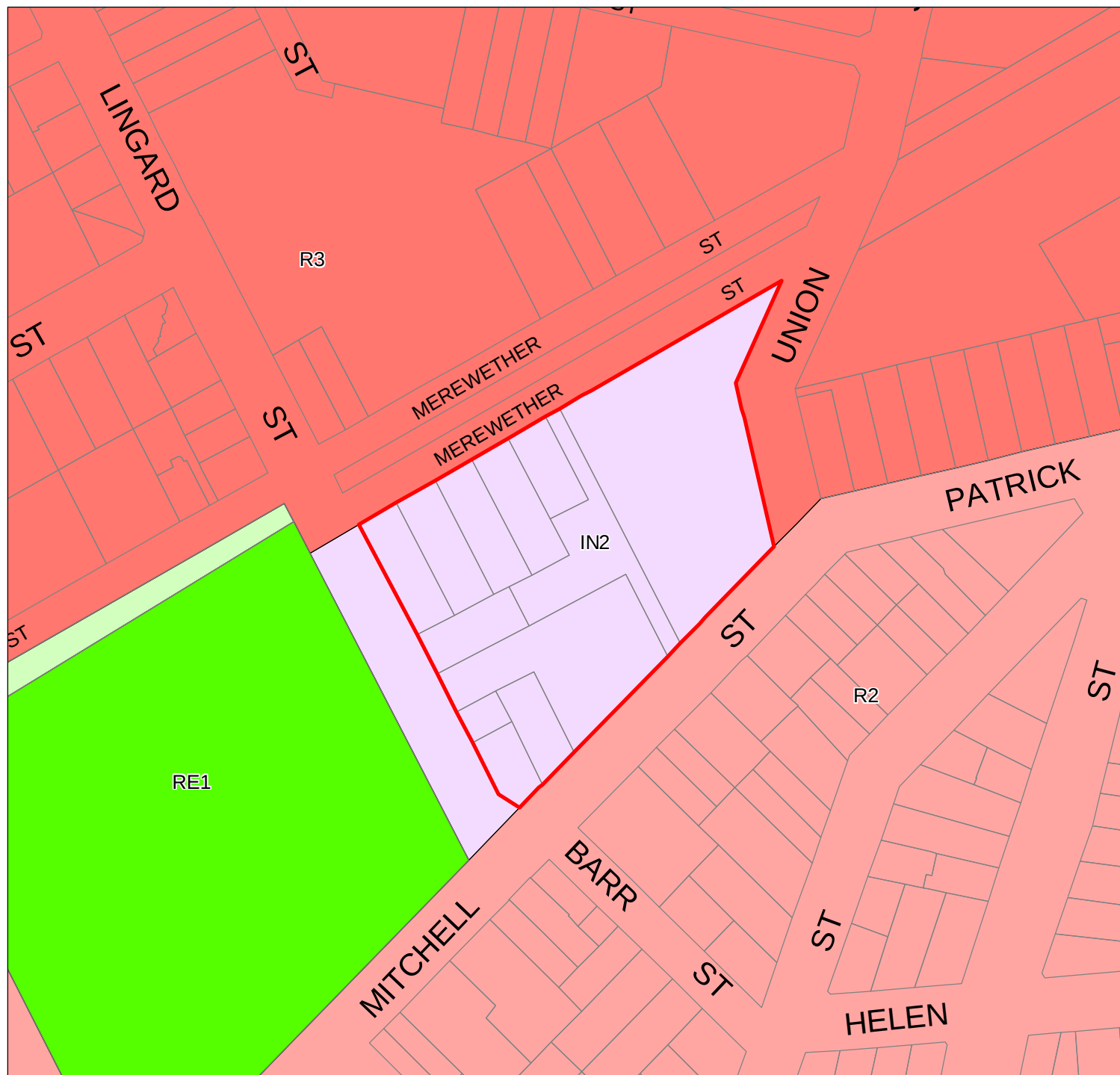


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 22 & 24 Merewether Street and 6 Lingard Street
Merewether - Existing Land Zoning Map





Newcastle Local Environmental Plan 2012

Proposed Land Zoning Map

Cadastral

- Cadastre base data 01/08/2007 © LPMA
- Addendum data 21/02/2013 © Newcastle City Council
- Subject Site

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- IN1 General Industrial
- IN2 Light Industrial
- IN3 Heavy Industrial
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP1 Special Activities
- SP2 Infrastructure
- W2 Recreational Waterways
- UL Unzoned Land

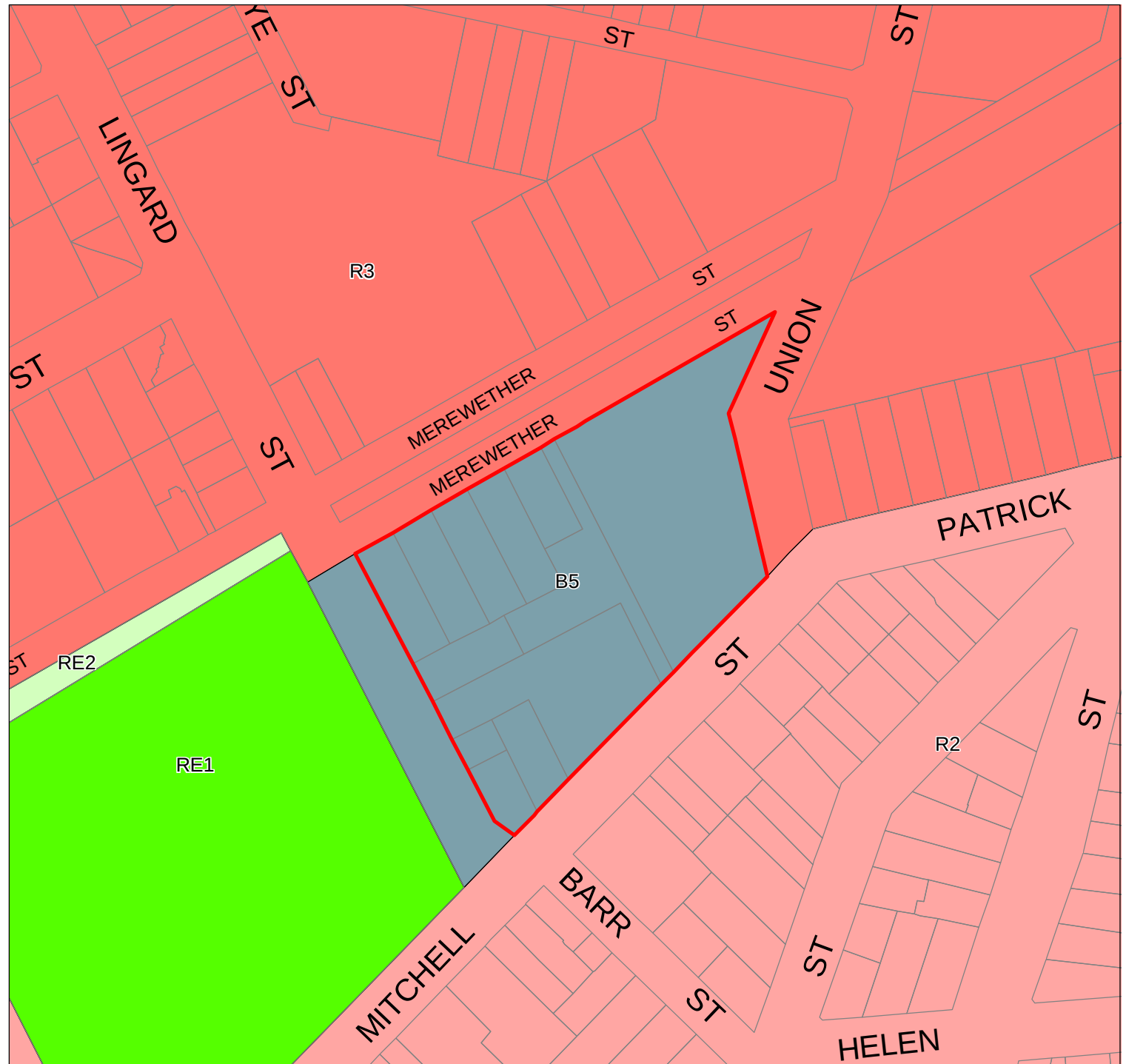


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 22 & 24 Merewether Street and 6 Lingard Street
Merewether - Proposed Land Zoning Map





Newcastle Local Environmental Plan 2012

Proposed Max Height of Building Map

Cadastral

-  Cadastre base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site

Maximum Building Height (m)

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

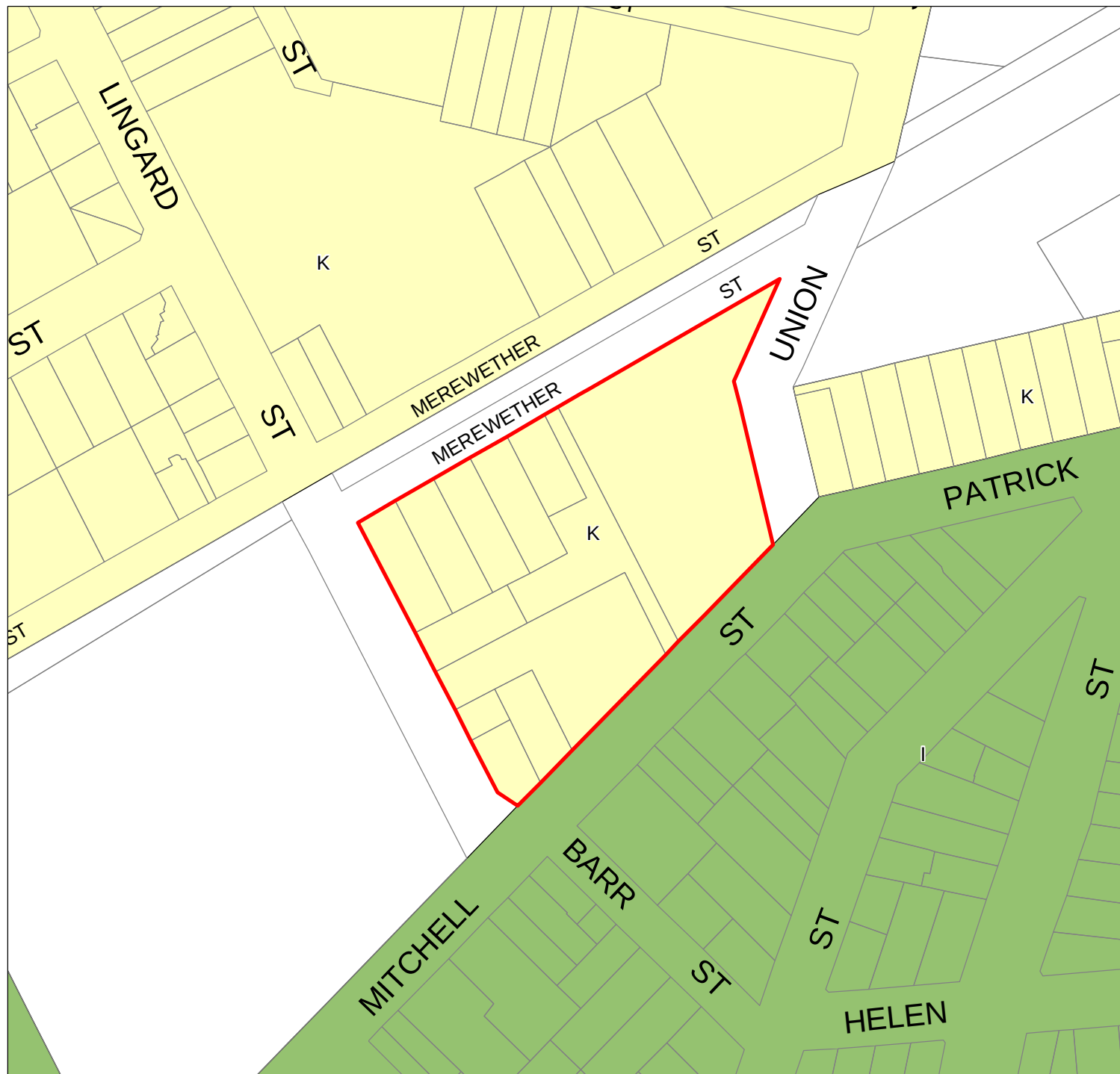


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 22 & 24 Merewether Street and 6 Lingard Street
Merewether - Maximum Height of Building Map





Newcastle Local Environmental Plan 2012

Proposed Max Floor Space Ratio Map

Cadastral

-  Cadastre base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site

Maximum Floor Space (n:1)

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

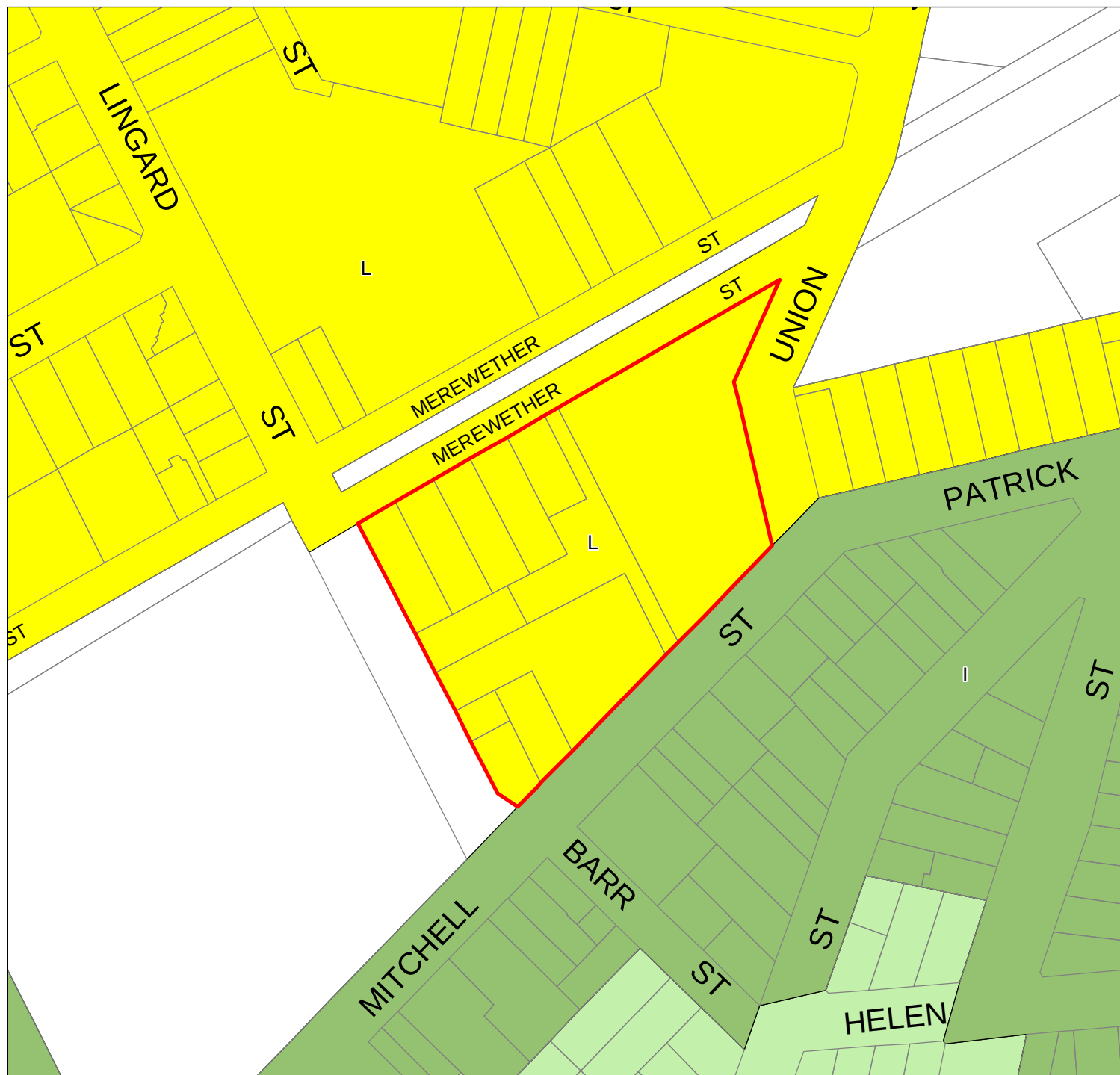


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 22 & 24 Merewether Street and 6 Lingard Street
Merewether - Maximum Floor Space Ratio Map



PART 5 – COMMUNITY CONSULTATION

The planning proposal is considered as low impact in accordance with the Department of Planning's guidelines, 'A guide to preparing local environmental plans'. Hence it is proposed that the planning proposal will be publicly exhibited for a minimum 14 day period.

PART 6 – PROJECT TIMELINE

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

Task	Planning Proposal Timeline											
	Mar 13	Apr 13	May 13	Jun 13	Jul 13	Aug 13	Sep 13	Oct 13	Nov 13	Dec 13	Jan 14	Feb 14
Issue of Gateway Determination												
Prepare any outstanding studies												
Consult with required State Agencies												
Exhibition of planning proposal and technical studies												
Review of submissions and preparation of report to Council												
Report to Council following exhibition												
Planning Proposal sent back to Department requesting that the draft LEP be prepared												

Attachment A

Flooding Risk Assessment prepared by WBM BTM Pty Ltd

Our Ref: DJL: L.N20053.001.LingardHospitalFRA.docx

30 January 2013

Lingard Private Hospital
c/- ADWJohnson
7/335 Hillsborough Rd
Warners Bay NSW 2282

Attention: John Meggitt

Dear John,

RE: Lingard Private Hospital

This letter report provides an initial high level review of the risks associated with flooding which may pose constraints on the potential for development of the land bounded by Merewether Street, Lingard Street, Mitchell Street and Union Street (refer to Figure 1). The report has been prepared to provide additional information to support a rezoning application.

The flooding constraints applicable to the site have been defined largely through computer modelling, undertaken by Newcastle City Council (Council) in 2008. Modelling has been carried out for a range of floods including the 1% AEP (100yr ARI) event, which defines flood planning levels (and design floor levels etc), as well as the Probable Maximum Flood (PMF) event, which is the largest possible flood. This upper bound flood condition is used for consideration of risks to life, and also for definition of flood areas within the floodplain.

A discussion of the flood-related constraints imposed on the property is provided below.

1. Flood Inundation and Depths

As noted, the principal flood planning events are the 1% AEP and PMF events. The flood inundation extents and relative flood depths in the vicinity of the development site are shown in Figure 2 and Figure 3 for the 1% AEP and PMF events respectively.

At the 1% AEP magnitude, the majority of the site is subject to inundation. The typical flood depth in the inundated area is between 0.5-0.75m. This depth of flooding corresponds to the peak 1% AEP flood level of 5.78m AHD as provided by Council. The Flood Certificate provided by Council for the site, confirms flood inundation at the site during the June 2007 flood event, corresponding to a peak flood level of the order of approximately 6.0m AHD.

The site represents a local topographical depression with fills with floodwater. The large inundation extent shown in Figure 2 extending across Frederick St, Mitchell St, Merewether St and Union St all form part of the same flood storage area. The natural overflow/outlet points for this depression are overtopping of Watkins St in the vicinity of the main Hunter Water trunk drainage channel and flow along Union St, to the north of Railway Street. At both of these locations, the local ground levels representing the main hydraulic control is of the order of 5.5m AHD. Accordingly, where storm runoff volume exceeds the drainage system capacity and provides for inundation in the local depression including the subject site, flood water levels would be expected

to build to at least 5.5m AHD before any significant relief through overtopping at the Watkins St/Union St overflow points.

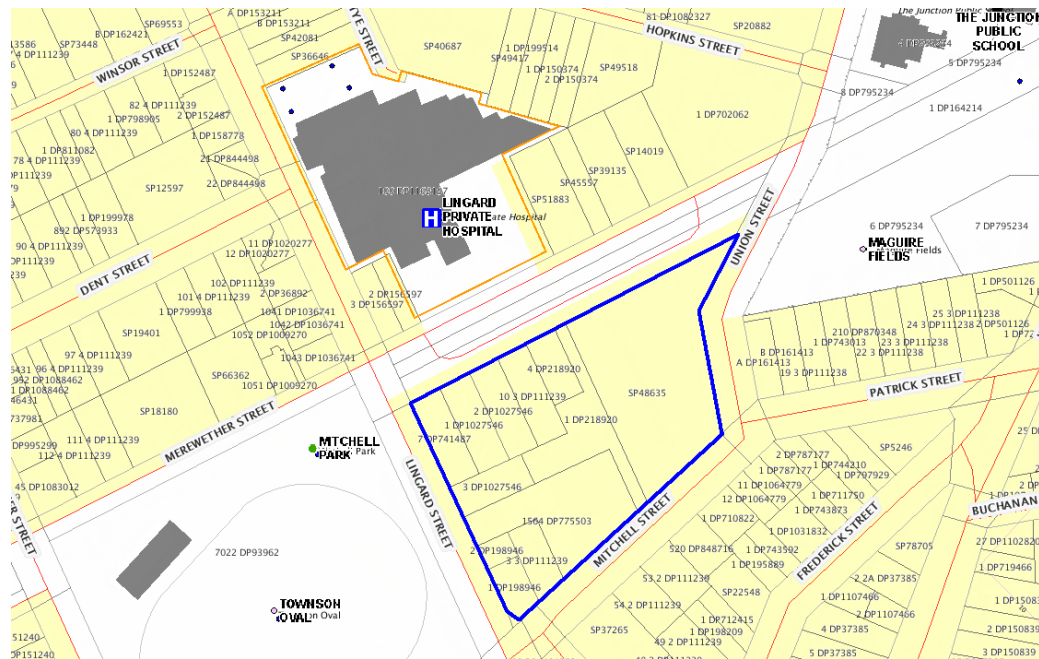


Figure 1 Location of Subject Property

Under PMF conditions, typical peak flood depths are of the order of 1.0 - 1.5m. This is an extreme event that would result in extensive flooding across the City. In considering the impact of the PMF flood condition on the proposed development, the main focus is to not to provide increase in the potential risk to life. As shown in Figure 3, extensive areas of surrounding land would also be subject to high depth flood inundation at the PMF level.

Significantly, at the PMF flood peak, all of the roads surrounding the development are inundated thereby preventing access. In the event of flash conditions, rapid inundation of roads may limit the potential to provide safe egress/evacuation from the site. With potentially minimal warning time, there may not be sufficient time to enact an orderly evacuation prior to access roads being cut. This is a similar situation across many past of Newcastle City. Accordingly, Council has adopted flood planning policies that recognise these limitations and incorporate provisions for on-site flood refuge.

2. Flood Classification

The hydraulic categories as defined in the Floodplain Development Manual are:

- **Floodway** - Areas that convey a significant portion of the flow. These are areas that, even if partially blocked, would cause a significant increase in flood levels or a significant redistribution of flood flows, which may adversely affect other areas.
- **Flood Storage** - Areas that are important in the temporary storage of the floodwater during the passage of the flood. If the area is substantially removed by levees or fill it will result in elevated water levels and/or elevated discharges. Flood Storage areas, if completely blocked would cause peak flood levels to increase by 0.1m and/or would cause the peak discharge to increase by more than 10%.
- **Flood Fringe** - Remaining area of flood prone land, after Floodway and Flood Storage areas have been defined. Blockage or filling of this area will not have any significant effect on the flood pattern or flood levels.

The flood classification mapping at the PMF level for the site is shown in Figure 4.

Floodways convey the majority of flow during a flood event. Therefore, any blockage within a floodway is expected to impact on the flood behaviour, possibly increasing flood levels upstream and/or downstream. The site has no floodway classification that would constrain development.

The majority of the site is classified as flood storage. As discussed, being a local depression, the existing site provides for temporary flood storage and accordingly plays a function in attenuating peak flood discharges. The filling of the flood storage through development has the potential to increase peak flood discharges which may provide for an adverse impact on property compared to existing conditions.

For assessment purposes, the flood 1% AEP flood event is used to determine upstream and downstream impacts associated with individual developments.

Council has a requirement that not more than 20% of the flood storage area within an individual property should be blocked by new development. This is a cumulative effect limitation that is adopted City-wide. It is considered that this constraint may be subject to negotiation, as there are a number of vagaries associated with how it should be applied. Typically the flood storage should be considered in terms of volume (at the PMF level), with potential development not occupying more than 20% of the total flood storage volume.

The flood classifications have been based the product of velocity and depth (i.e. $V \times D$) is greater than 1.0 for the PMF event. This is a 'crude' and simplistic definition, but suitable for broadscale mapping and categorisation of land across a floodplain. On a property by property basis, detailed investigations are required to determine the impact of individual developments.

The existing development on the site can be seen in Figure 5. In order to assess the impact of the proposed development, consideration needs to be given to the existing site development in defining existing available flood storage. The scale of the city-wide flood modelling does not provide for detailed assessment of individual property. Accordingly, modelling could be undertaken at a local level to assess impact of filling on design flood condition. This assessment would include a Modelling of the proposed development site has not been undertaken at this rezoning stage, given there are no firm concept layouts to enable a relative assessment of impacts.



Figure 5 Existing Site Development

Council is also required to consider cumulative impacts on flooding. This means that while an individual development may have only a small impact on flood levels, if all properties within the floodplain were to be developed in a similar way, then the overall result would be a significant impact. Therefore, Council will not automatically accept a development, even if site-specific assessments show that the individual impact would be minimal.

The PMF flood also needs to be considered, as a new development should not increase the overall risk to life of existing properties upstream or downstream (ie the risk to life hazard category should not increase on neighbouring properties), although there can be impacts on both the PMF flood levels and PMF flood velocities.

Given that much of the site has existing development, it is considered that redevelopment would be possible in order to provide a minimal loss in flood storage. In limiting the potential loss of storage, development layouts can consider:

- Achieving a balanced cut/fill for any earthworks on site; and
- Provision of dedicated flood storage incorporated into building design (e.g. under floor).

3. Risk to Life Consideration

For any development on the site, the flashy nature of flooding would mean that there is potentially minimal warning time. As such, all people on the site at the time of the flood would need to take refuge within the development. In providing for on-site refuge, the development would require:

- that the structure cannot fail, even under the most severe flood event, otherwise anyone taking refuge within the development could perish; and
- refuge is required above the maximum flood (PMF) level. Refuge is required to accommodate all potential residents of the property.

Newcastle City Council has a procedure for assessing the risks to life associated with flooding. Risks to life are based on the whether the flooding is flash flooding or riverine flooding, and also if there is an escape route available. It is also dependent on the 'hydraulic behaviour threshold', which is another physical parameter based on the V x D relationship.

The Risk to Life Hazard for the site is shown in Figure 6. As shown in this figure, the majority of the site is classified L4.

Based on Council's Flood Policy, for L4 land, on-site refuge is required (as short duration flash flooding would prevent safe and timely evacuation from the premises), while heavy frame construction or structural reinforcement would be required.

It is recommended that all occupants within the development can be accommodated for a short period of time above the PMF flood level. This means that there should be sufficient communal area on an upper level that can temporarily accommodate occupants where floor level is lower than the PMF level. The development layout would need to consider provision of suitable access to the upper level communal areas from all lower floors.

It is recommended for a redevelopment of this scale to be supported at the development application stage by a site flood emergency management plan incorporating as a minimum:

- Description of flood behaviour
- Evacuation and evasion procedures
- Evacuation routes and flood refuges
- Flood preparedness and awareness procedures for residents and visitors

4. Development Potential

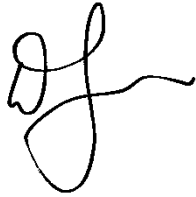
It is anticipated that suitable redevelopment of the subject site can be achieved based on the constraints discussed above. The principle constraints for the site relate to potential loss in temporary flood storage and potential risks to life considered up to the PMF level.

Within the buildable area, the following limitations would apply:

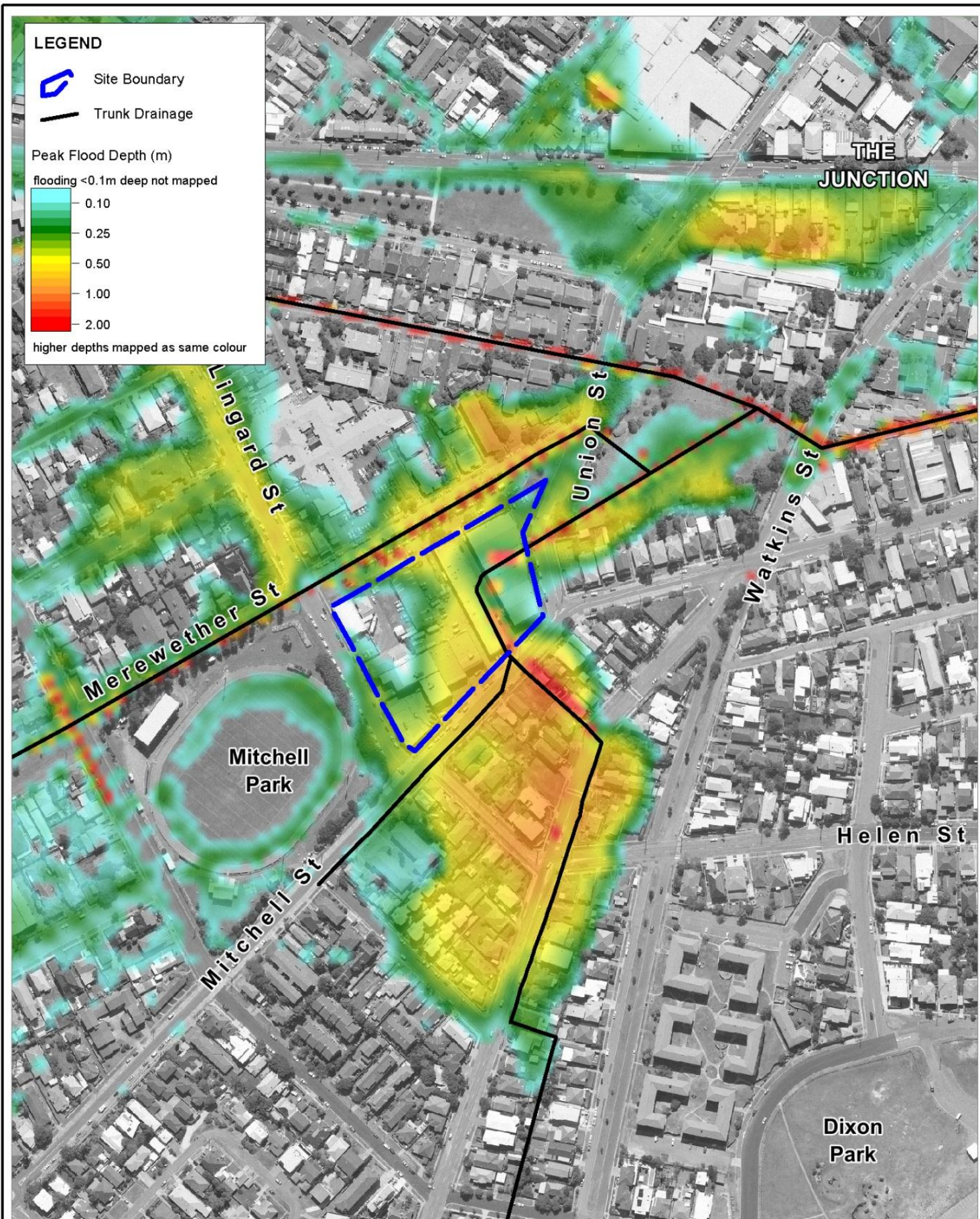
- buildings are required to be able to withstand the forces of floodwaters up to the PMF event;
- The floor level of the first storey may be below the PMF level, but flood refuge would be required on higher levels that can temporarily accommodate all residents of the first storey. Alternatively, the first storey (habitable level) can be at a level above the PMF, and no special flood refuge area would be required (as all residents could take refuge within their own apartments);
- There should be minimal change to the ground levels of the site. A balanced cut and fill should be sought if any filling is required; and
- Provisions are made to maintain existing flood storage (or maximum loss of 20%) through building design.

I trust this letter report provides sufficient preliminary advice to advance your discussions in relation to potential development of the site. Confirmation of developable area would require further detailed assessment which would be expected to be undertaken in association with any development application for the site. Please call me to discuss should you have any queries.

Yours Faithfully
BMT WBM Pty Ltd

A handwritten signature in black ink, appearing to be 'DL' with a stylized flourish extending to the right.

Darren Lyons
Manager, Water and Environment – Newcastle



Title:
1% AEP Flash Flood Depths

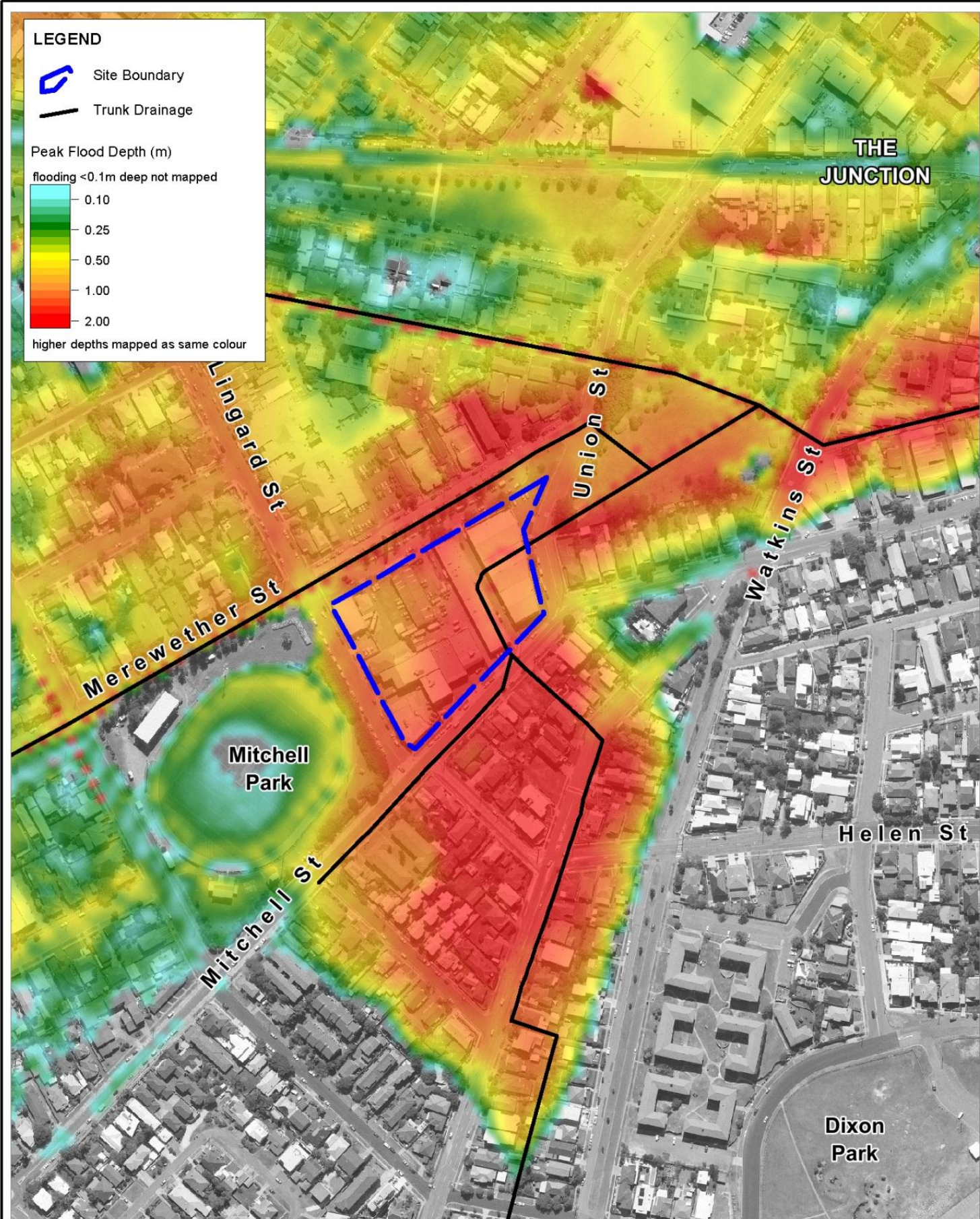
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2

Rev:
A

BMT WBM endeavours to ensure that the information provided in this map is correct at the time of publication. BMT WBM does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.



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Approx. Scale



Title:
PMF Flash Flood Depths

Figure:
3

Rev:
A

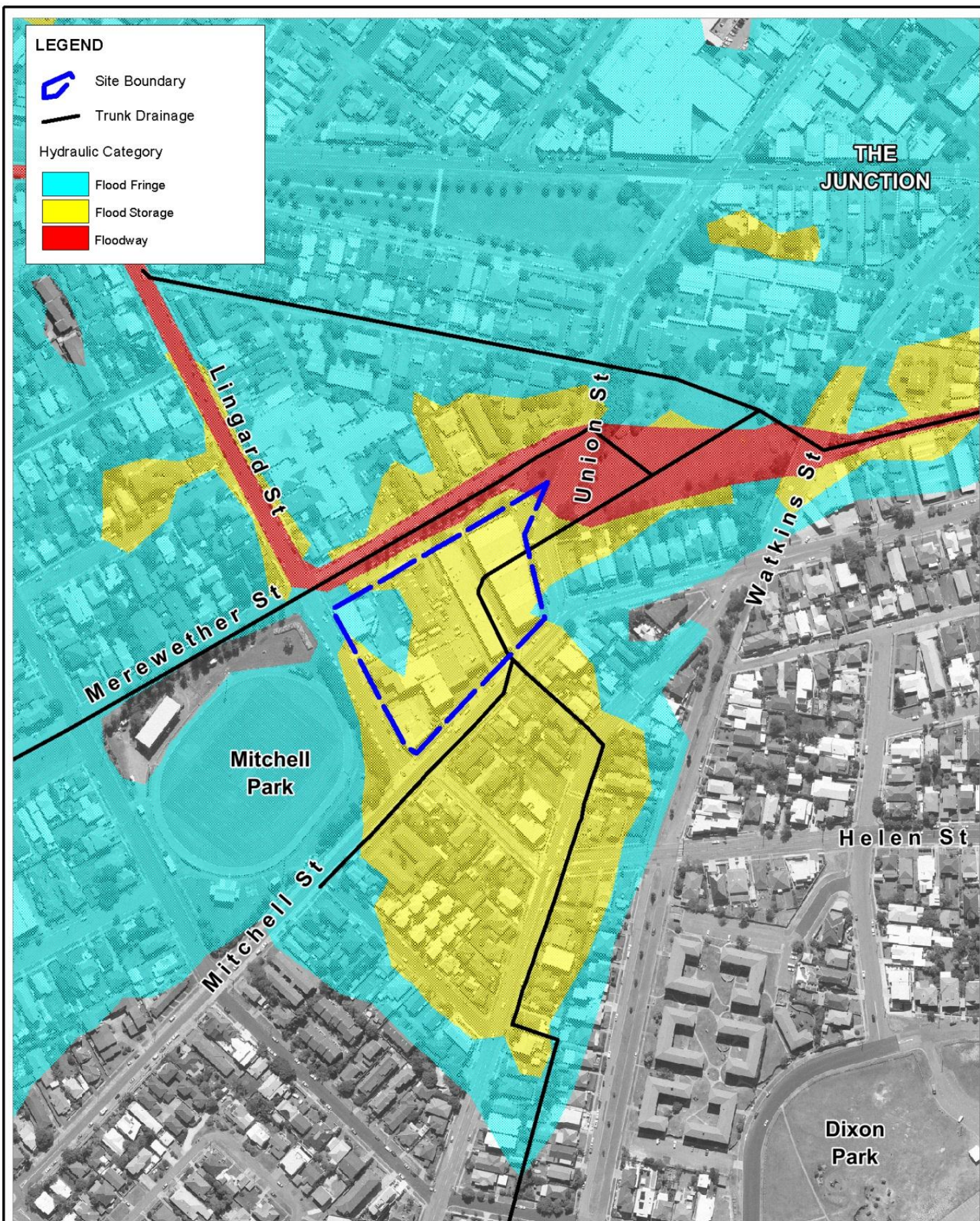
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Approx. Scale



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Title:
PMF Hydraulic Categories

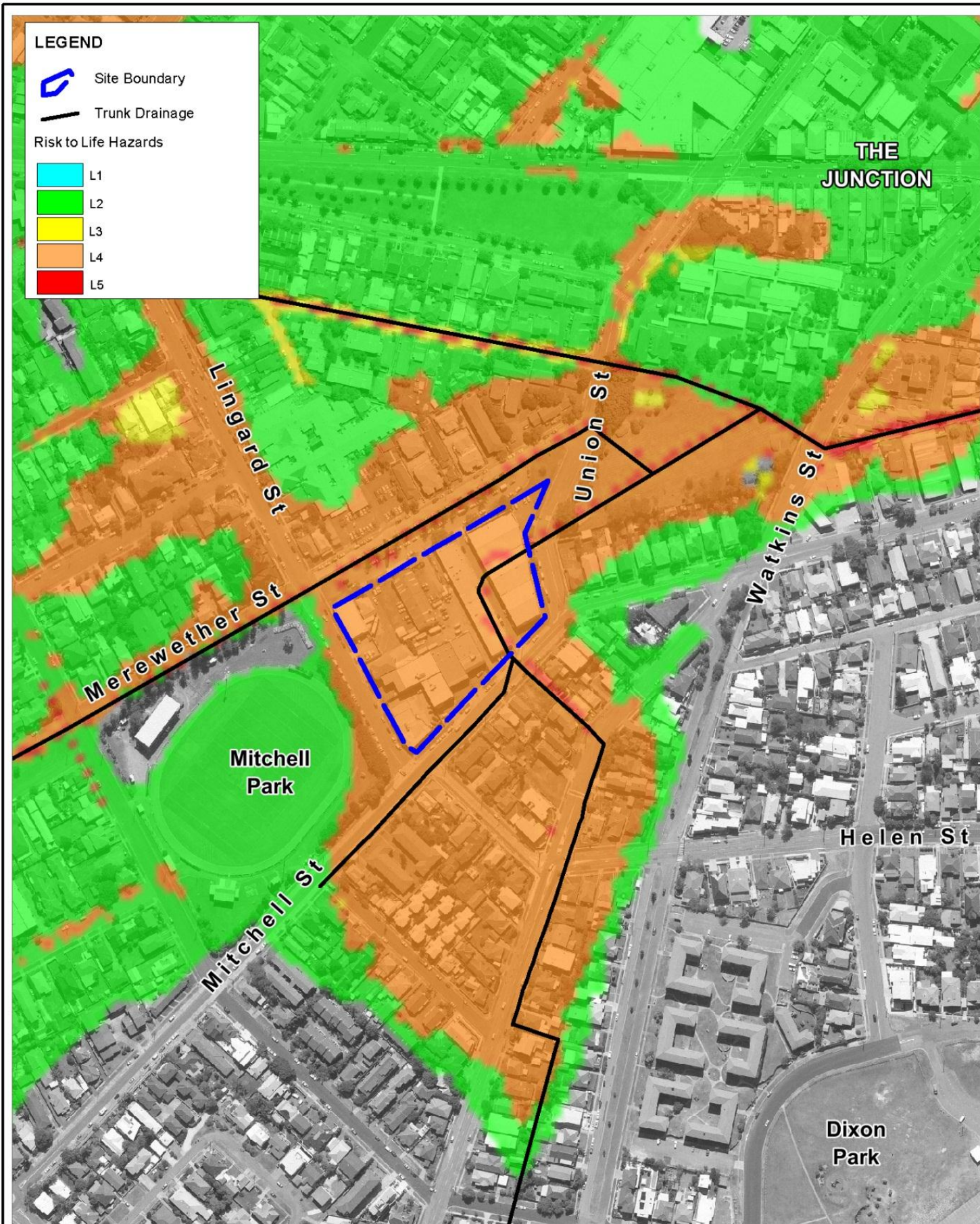
Figure:
4

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Approx. Scale



Title:
Risk to Life Hazards (L1-L5)

Figure:
6

Rev:
A

BMT WBM endeavours to ensure that the information provided in this map is correct at the time of publication. BMT WBM does not warrant, guarantee or make representations regarding the currency and accuracy of information contained in this map.



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Approx. Scale



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Planning Proposal



156 Cardiff Road, Elernore Vale

March 2013

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156 CARDIFF ROAD, ELMORE VALE

Summary of Proposal

Proposal	156 Cardiff Road Elmore Vale
Property Details	156 Cardiff Road Elmore Vale Lot 39 DP 711005
Applicant Details	Mr Brian Roberts

Background

Council has received a request to amend Newcastle LEP 2012 in order to enable the land to be redeveloped from its current use as a gymnasium and indoor swimming centre to low density residential use.

The applicant maintains that the current use is no longer economically viable due to the cost of maintaining aging assets (such as the swimming pools) and the competitiveness of the newer format gyms that are accessible 24/7, have lower overheads, and are better located within existing commercial centres.

The applicant has attempted disposing of the land as a single parcel but to no avail. Hence the request to zone the land consistent with adjoining lands.

Site

The proposal consists of land at 156 Cardiff Road Elmore Vale, described as Lot 39 DP 711005.

The site is currently zoned RE2 Private Recreation and consists of a building with a floor plate of approximately 3000m², a car park and access road, and vegetated areas. Access to the site is off Cardiff Road via an 18m wide access handle, which is zoned R2 Low Density Residential.

The surrounding land is zoned R2 Low Density Residential, consisting detached dwellings, however, the land to the south is currently undeveloped bushland (see **Figure 1:** Local Context of Site).

In 1971 the topography of the land was a hill, which the applicant removed the top off in order to create about 6500m² of flat site for the current use (see **Figure 2:** Air photo of site). The access soil was moved to the edges of the site, which resulted in very steep gradients. The access road to the current use is also very steep with gradients of up to 1:2. Fortunately the sloping land consists of regrowth that assists in maintaining stability of the site.

The applicant has obtained initial geotechnical investigation in order to establish whether the site is feasible for residential development. Council has indicated that should the land be suitable for a residential zoning, it would most likely best suit a Community Title development which concentrates development on the higher more stable soils and is accessed by a private road. However, such details can be addressed at the DA stage and are beyond the scope of this planning proposal.



Newcastle Local Environmental Plan 2012

Local Area Context Map

Cadastre

- Cadastre base data 01/08/2007 © LPMA
- Addendum data 21/02/2013 © Newcastle City Council
- Subject Site
- Suburb boundary
- LGA boundary



Projection GDA 1994
Zone 56

0 100 200m

Scale 1:5,000 @ A4

Planning Proposal - 156 Cardiff Road Elmore Vale -
Local Area Context Map



Newcastle Local Environmental Plan 2012

Site Air Photo Map

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site
-  Suburb boundary



Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 156 Cardiff Road Elmore Vale -
Site Air Photo Map



PART 1 - OBJECTIVES OR INTENDED OUTCOMES

To enable the land to be redeveloped for the purpose of providing low density residential land uses.

PART 2 - EXPLANATION OF PROVISIONS

The objective of this planning proposal will be achieved by amending Newcastle LEP 2012, with respect to part of the subject site, as follows:

1. Land Zoning Map to reflect a change of zone from RE2 Private Recreation zone to R2 Low Density Residential zone.
2. Height of Building Map to include a maximum height of 8.5m.
3. Floor Space Ratio Map to include a maximum floor space ratio of 0.6.
4. Minimum Lot Size Map to reflect change from 400,000m² (40 ha) to 400m².

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 result of a request made to Council to amend Newcastle LEP 2012 by a private landowner, in order to dispose of the land.

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

Yes, an amendment resulting in a R2 zoning of the site is considered the most suitable way of achieving the objectives of this planning proposal and is consistent with the zoning of adjoining lands.

Section B - Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Lower Hunter Regional Strategy (2006)

The Lower Hunter Regional Strategy applies to the land. The aim of this Strategy is to ensure that adequate land is available to accommodate the projected housing and employment growth in the Hunter Region over the next 25 years.

Although this project is small in scale it will contribute to generating greater provision of housing and is therefore considered consistent with this aim.

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

Newcastle 2030 Community Strategic Plan

Council adopted the Newcastle 2030 Community Strategic Plan in February 2011. The planning proposal primarily aligns to the strategic direction 'Open and Collaborative Leadership' identified within the Newcastle Community Strategic Plan 2030.

Compliance with the LEP amendment process, in particular section 57 – community consultation of the Environmental Planning and Assessment (EP&A) Act 1979, will assist in achieving the strategic objective; "Consider decision-making based on collaborative, transparent and accountable leadership" and the identified strategy 7.2b, which states: "Provide opportunities for genuine and representative community engagement in local decision making".

Newcastle Urban Strategy (NUS)

The planning proposal is consistent with the principles, city wide strategies, and neighbourhood vision of the NUS, including the identified residential densities nominated by the residential development strategy.

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

Consistency (of the planning proposal) with State Environmental Planning Policies is outlined in the table below.

Table 1 - Consideration of State Environmental Planning Policies

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 1—Development Standards	No	
State Environmental Planning Policy No 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	
State Environmental Planning Policy No 39—Spit Island Bird Habitat	No	
State Environmental Planning Policy No 41—Casino Entertainment Complex	No	

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 44—Koala Habitat Protection	Yes	Yes, there are no known records of koalas on site. Further flora and fauna assessment may need to be undertaken as part of a future DA depending on the proposed development footprint on the land.
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	
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	

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy (Major Development) 2005	No	
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	
State Environmental Planning Policy (Rural Lands) 2008	No	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007	No	
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	
SEPP (State and Regional Development) 2011	No	

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

Consistency (of the planning proposal) with State Environmental Planning Policies is outlined in the table below.

Table 2 - Consideration of Section 117 Direction

S117 Direction	Applicable	Consistent
1. Employment and Resources		
1.1 Business and Industrial Zones	No	Note: The proposal may result in a loss of employment on the site. However the applicant claims that employment is likely to cease regardless due to the existing use being unviable to continue.
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	Yes	
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 will deliver additional supply of residential development.
3.2 Caravan Parks and Manufactured Home Estates	No	
3.3 Home Occupations	No	

S117 Direction	Applicable	Consistent
3.4 Integrating Land Use and Transport	Yes	Yes, the proposal is consistent with the objectives of this direction as the site is strategically located for the proposed use and will not affect transport choices.
3.5 Development Near Licensed Aerodromes	No	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	No	
4.2 Mine Subsidence and Unstable Land	Yes	The property is affected by mine subsidence. Council will consult with the mine subsidence board prior to exhibition of this planning proposal.
4.3 Flood Prone Land	No	
4.4 Planning for Bushfire Protection	Yes	The land is identified as being affected by bushfire risk under Newcastle Bushfire Prone Land Map 2009, hence Council will consult with the commissioner of NSW Rural Fire Service prior to exhibition of this Planning Proposal.
5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	Yes, the planning proposal is consistent with the Lower Hunter Regional Strategy and does not undermine achievement of its vision, land use strategy, policies, outcomes, or actions.
5.2 Sydney Drinking Water Catchments	No	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.8 Second Sydney Airport: Badgerys Creek	No	
6. Local Plan Making		
6.1 Approval and Referral Requirements	No	
6.2 Reserving Land for Public Purposes	No	
6.3 Site Specific Provisions	No	

Section C - Environmental, social, and economic impact

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

No, the site was cleared in about 1971 and only consist of areas of regrowth around the edges. However an assessment of these areas may be warranted at the DA stage, should a proposed development footprint effect these.

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

Mine Subsidence

Yes, as addressed in Section B, above.

Hydrology and Water Management

The site is not located within a flood prone area.

Bushfire

Yes, as addressed in Section B, above.

Heritage

There are no listed items of environmental heritage on site or in the vicinity of the site.

Contamination

There is no known contamination of the land and the current and former uses of the land are unlikely to have cause risk of contamination.

Traffic Impacts and Vehicular and Pedestrian Access

The proposal is likely to have a decreased impact on traffic than the current use of the site.

The existing access to the site has steep gradients of up to 1:2, which is unlikely to be acceptable for a publicly owned roadway. However, this is unlikely to exclude some level of residential development on the land, hence this can be resolved at the DA stage, should the land be rezoned.

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

The land does not contain known items of European or Aboriginal cultural heritage.

The land is adequately serviced by social infrastructure and services such as schools and hospitals and impacts on existing retail centres. Potential development resulting from the proposed amendment is unlikely to be of a scale that would have any significant impact on the supply of local services.

Section D - State and Commonwealth interests

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

Yes, the site is adequately serviced with public utilities.

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

No State and Commonwealth public authorities were consulted at this stage but will be carried out in accordance with the requirements of the gateway determination.

PART 4 – MAPPING

The Planning proposal does not seek to amend any maps within Newcastle LEP 2012. The planning proposal seeks to amend the following maps within Newcastle LEP 2012:

- Land Zoning Map
- Height of Buildings Map
- Floor Space Ratio Map
- Minimum Lot Size Map

The following maps are included to illustrate the mapping amendments proposed:

- **Figure 3:** Existing Land Zoning Map
- **Figure 4:** Proposed Land Zoning Map
- **Figure 5:** Proposed Max Height of Buildings Map
- **Figure 6:** Proposed Max Floor Space Ratio Map
- **Figure 7:** Existing Min Lot Size Map
- **Figure 8:** Proposed Min Lot Size Map



Newcastle Local Environmental Plan 2012

Existing Land Zoning Map

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
Addendum data 21/02/2013 © Newcastle City Council
 Subject Site

Zone

-  B1 Neighbourhood Centre
 B2 Local Centre
 B3 Commercial Core
 B4 Mixed Use
 B5 Business Development
 E1 National Parks and Nature Reserves
 E2 Environmental Conservation
 E3 Environmental Management
 E4 Environmental Living
 IN1 General Industrial
 IN2 Light Industrial
 IN3 Heavy Industrial
 R2 Low Density Residential
 R3 Medium Density Residential
 R4 High Density Residential
 RE1 Public Recreation
 RE2 Private Recreation
 SP1 Special Activities
 SP2 Infrastructure
 W2 Recreational Waterways
 UL Unzoned Land

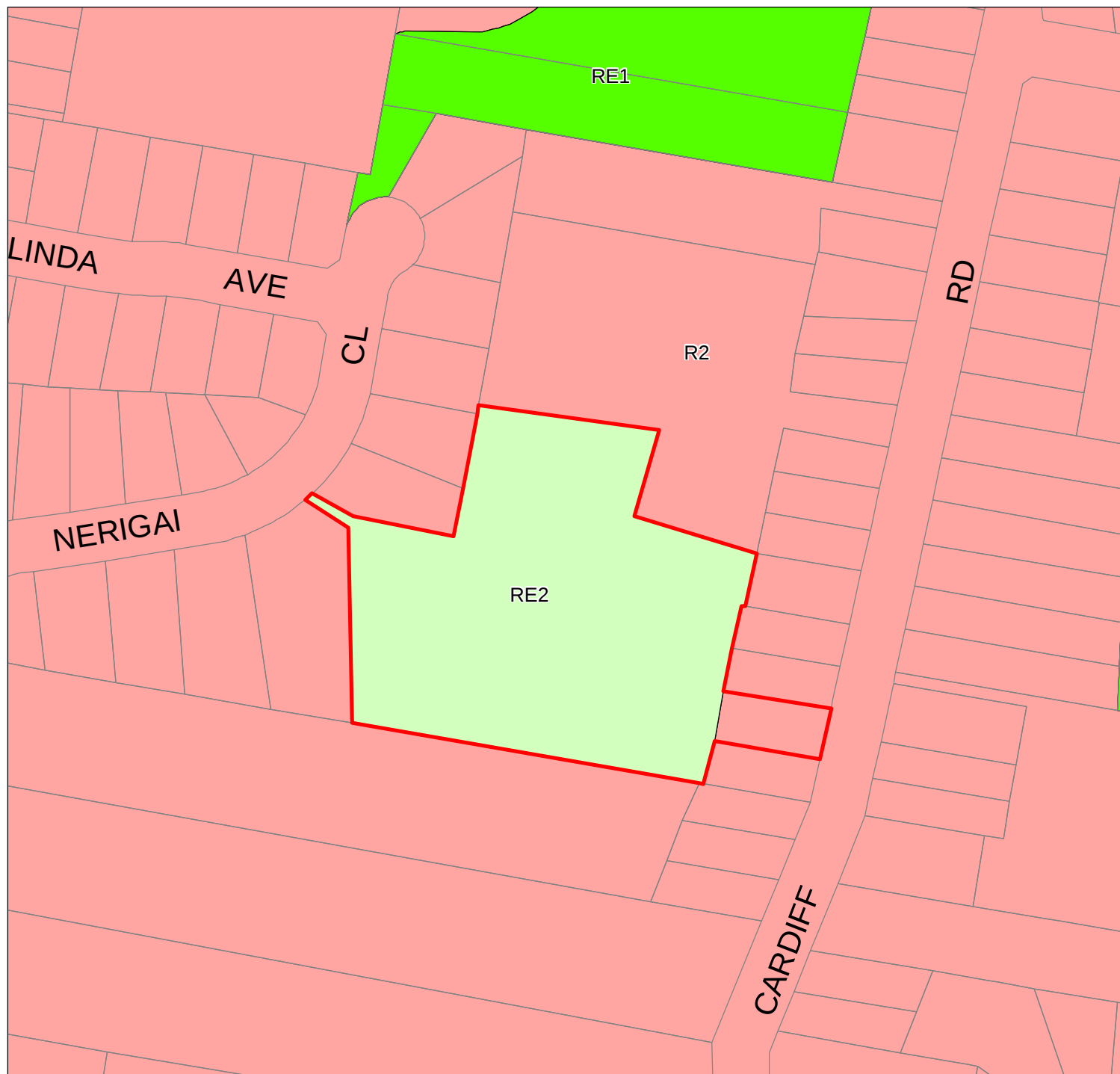


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 156 Cardiff Road Elmore Vale -
Existing Land Zoning Map





Newcastle Local Environmental Plan 2012

Proposed Land Zoning Map

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
Addendum data 21/02/2013 © Newcastle City Council
 Subject Site

Zone

-  B1 Neighbourhood Centre
 B2 Local Centre
 B3 Commercial Core
 B4 Mixed Use
 B5 Business Development
 E1 National Parks and Nature Reserves
 E2 Environmental Conservation
 E3 Environmental Management
 E4 Environmental Living
 IN1 General Industrial
 IN2 Light Industrial
 IN3 Heavy Industrial
 R2 Low Density Residential
 R3 Medium Density Residential
 R4 High Density Residential
 RE1 Public Recreation
 RE2 Private Recreation
 SP1 Special Activities
 SP2 Infrastructure
 W2 Recreational Waterways
 UL Unzoned Land

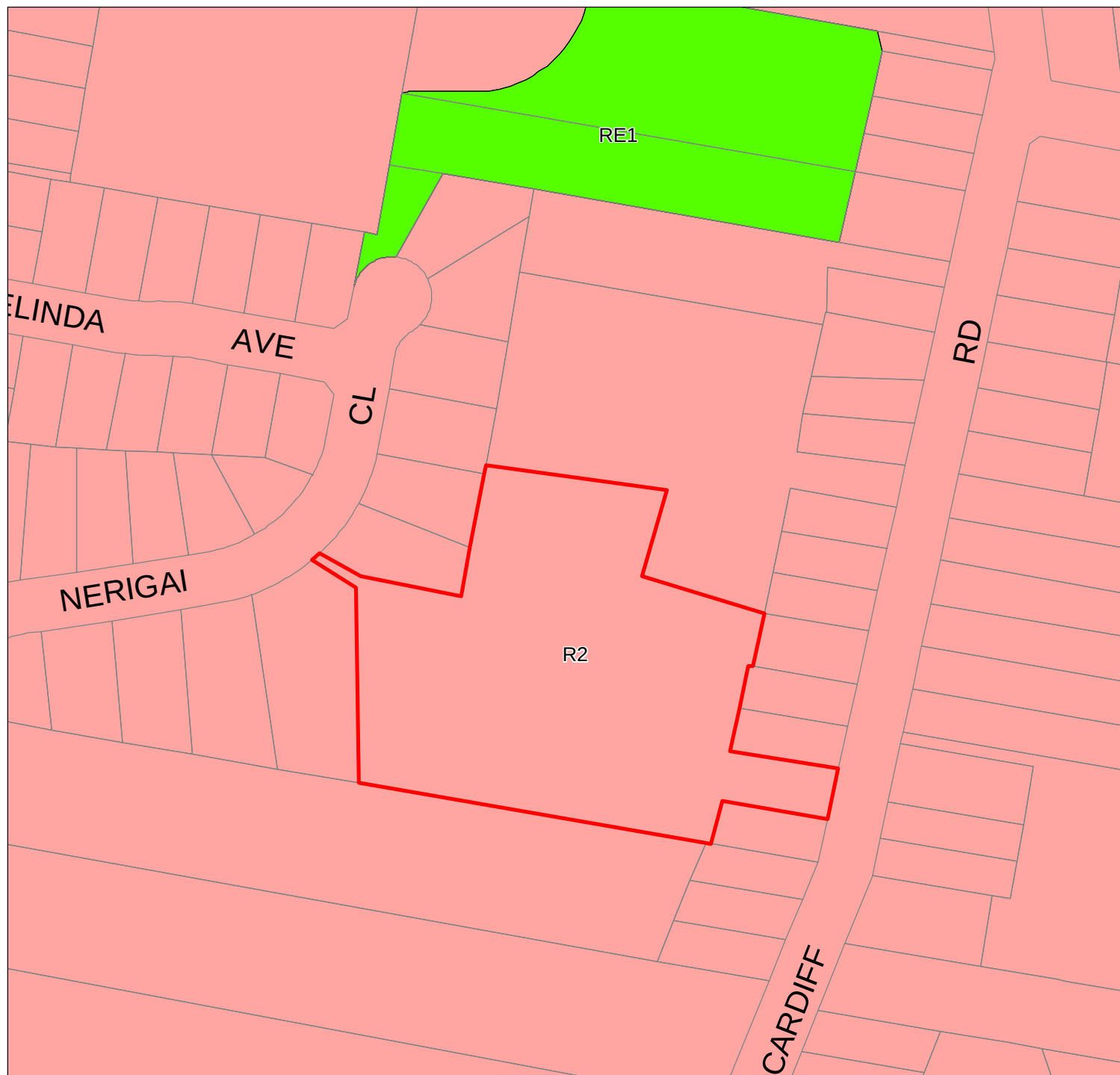


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 156 Cardiff Road Elmore Vale -
Proposed Land Zoning Map





Newcastle Local Environmental Plan 2012

Proposed Max Height of Building Map

Cadastral

-  Cadastral base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site

Maximum Building Height (m)

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



Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 156 Cardiff Road Elmore Vale -
Proposed Max Height of Building Map





Newcastle Local Environmental Plan 2012

Proposed Max Floor Space Ratio Map

Cadastral

-  Cadastral base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site

Maximum Floor Space (n:1)

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

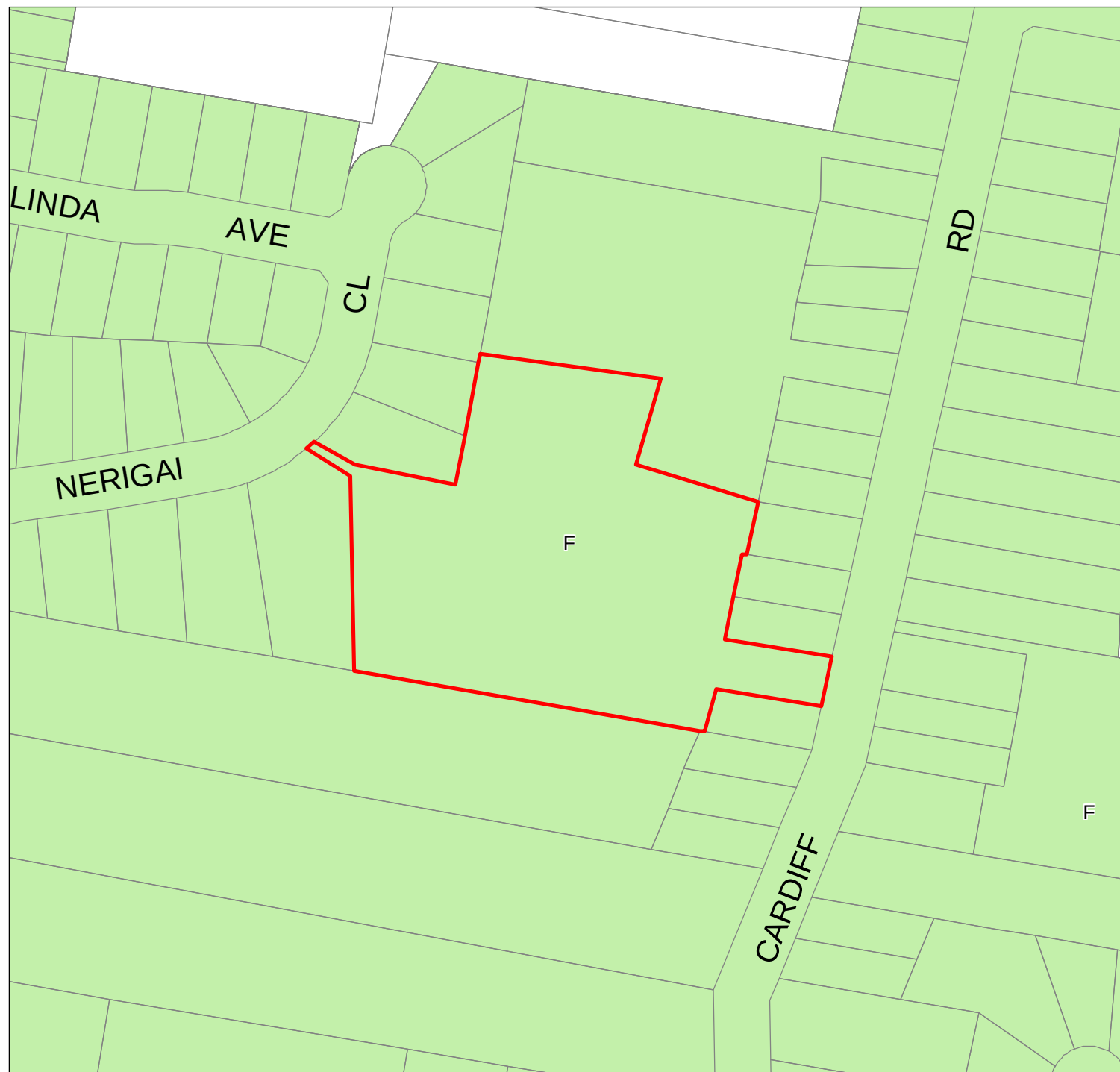


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 156 Cardiff Road Elmore Vale -
Proposed Max Floor Space Ratio Map





Newcastle Local Environmental Plan 2012

Existing Min Lot Size Map

Minimum Lot Size (sq m)

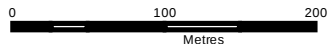
F	400
G	450
U	1 000
Y	10 000 (1 ha)
Z	20 000 (2 ha)
AB	400 000 (40 ha)

Cadastre

Cadastre base data 01/08/2007 © LPMA
Addendum data 26/09/2012 © Newcastle City Council

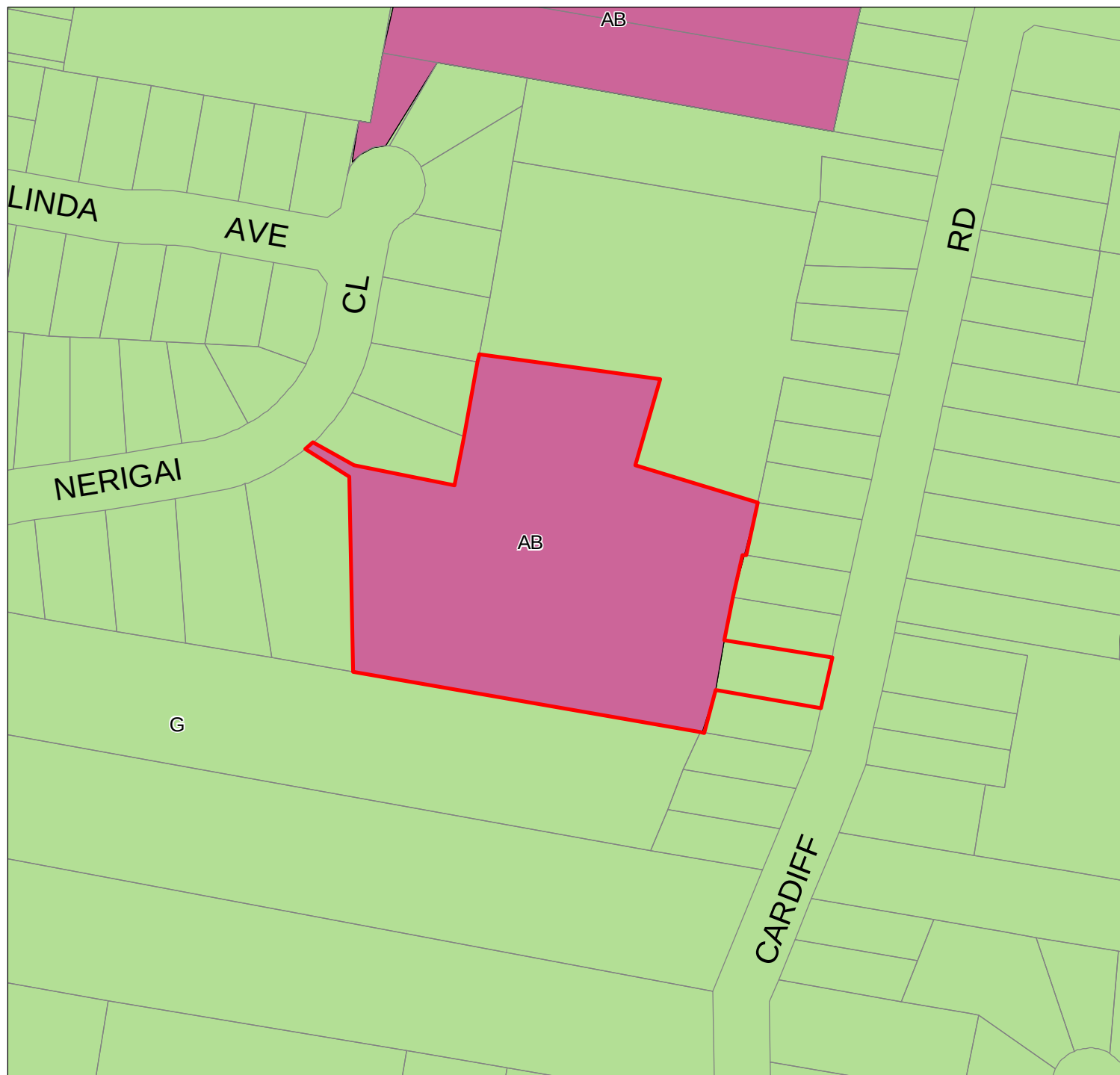


Projection GDA 1994
Zone 56



Scale 1:5000 @ A4

Planning Proposal - 156 Cardiff Road Elmore Vale -
Existing Min Lot Size Map





Newcastle Local Environmental Plan 2012

Proposed Min Lot Size Map

Minimum Lot Size (sq m)

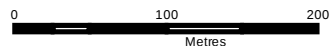
F	400
G	450
U	1 000
Y	10 000 (1 ha)
Z	20 000 (2 ha)
AB	400 000 (40 ha)

Cadastral

Cadastral base data 01/08/2007 © LPMA
Addendum data 26/09/2012 © Newcastle City Council

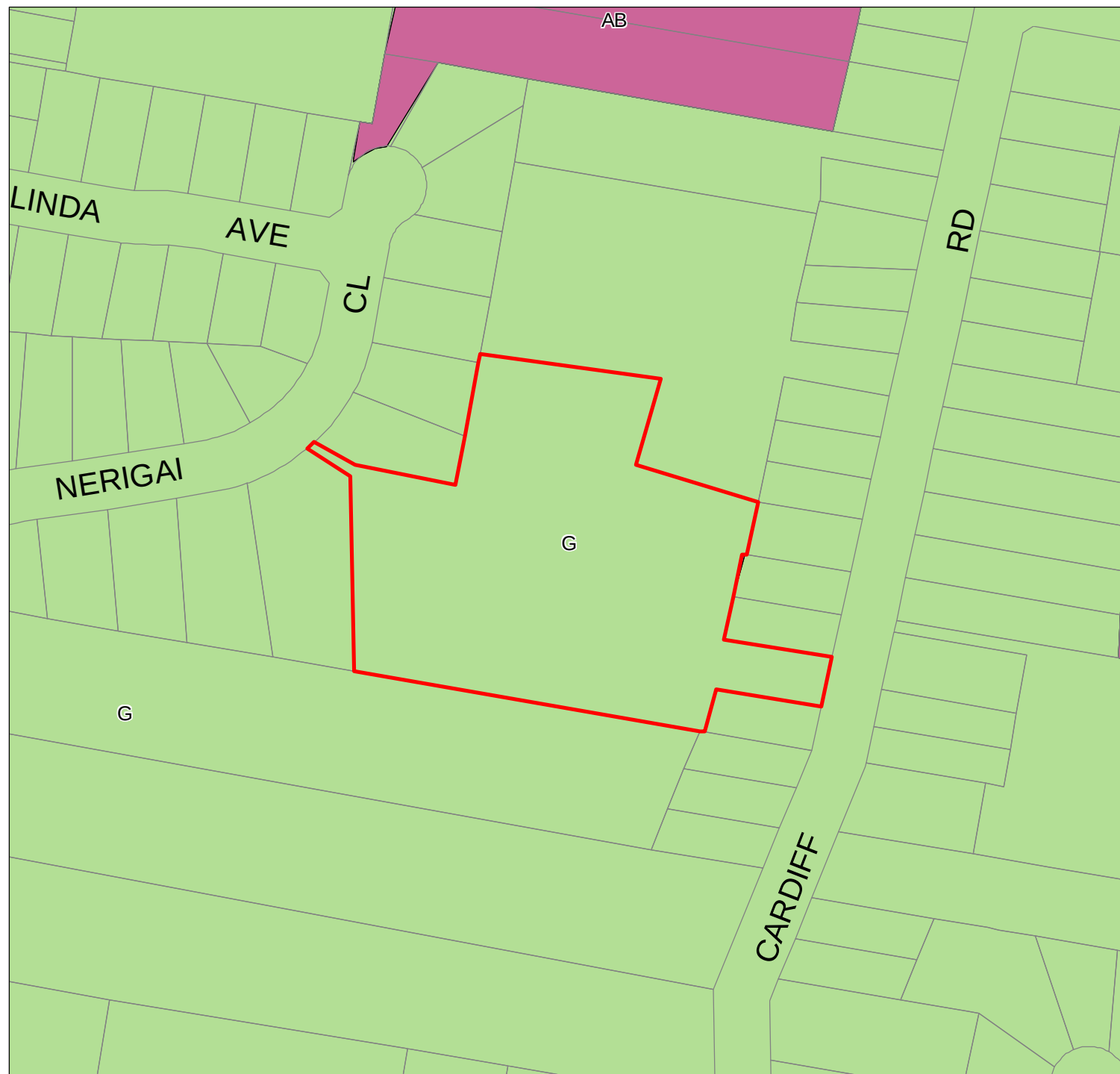


Projection GDA 1994
Zone 56



Scale 1:5000 @ A4

Planning Proposal - 156 Cardiff Road Elmore Vale -
Proposed Min Lot Size Map



PART 5 – COMMUNITY CONSULTATION

The planning proposal is considered as low impact in accordance with the Department of Planning's guidelines, 'A guide to preparing local environmental plans'. Hence it is proposed that the planning proposal will be publicly exhibited for a minimum 14 day period.

Council propose to consult with the following agencies prior to public exhibition of the planning proposal:

- Mine Subsidence Board
- Rural Fire Services

Any other relevant agencies will be consulted in accordance with the requirements of the gateway determination.

PART 6 – PROJECT TIMELINE

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

Task	Planning Proposal Timeline											
	Mar 13	Apr 13	May 13	Jun 13	Jul 13	Aug 13	Sep 13	Oct 13	Nov 13	Dec 13	Jan 14	Feb 14
Issue of Gateway Determination												
Prepare any outstanding studies												
Consult with required State Agencies												
Exhibition of planning proposal and technical studies												
Review of submissions and preparation of report to Council												
Report to Council following exhibition												
Planning Proposal sent back to Department requesting that the draft LEP be prepared												

Planning Proposal



60-80 Sandgate Road, Wallsend

March 2013

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Letter to applicant from NSW Environment Protection Authority regarding contamination of land at 64 - 80 Sandgate Road, Wallsend	20

60-80 SANDGATE ROAD, WALLSEND

Summary of Proposal

Proposal	Rezone part of 60-80 Sandgate Road, Wallsend to Zone R2 Low Density Residential	
Property Details	60-80 Sandgate Road, Wallsend	Lot 2 DP 608814 and Lot 111 DP 541783
Applicant Details	One Steel Recycling Pty Ltd	

Background

Council has received a request to amend Newcastle LEP 2012 in order to enable low density residential development.

Residential development is prohibited within the existing E2 Environmental Conservation zone and E3 Environmental Management zone applying to the land under Newcastle LEP 2012.

Residential development may only be permitted with consent on the land where a development application is lodged for a Seniors Living Development under State Environmental Planning Policy (SEPP) Seniors Living.

The applicant previously lodged a development application (DA 2010/1763) for a Seniors Living Development including 29 x 2 bed, 17 x 3 bed dwellings and community hall (staged development) on the site. However, Council at it's meeting of 19 March 2012 resolved to refuse this application contrary to the recommendations of the development assessment.

The reasons for the refusal are listed below:

- 1 The site of the proposed development is not suitable for the proposed development due to contamination [Section 79C(1)(c) Environmental Planning and Assessment Act 1979].
- 2 The site of the proposed development is not suitable for the proposed development due to flooding [Section 79C(1)(c) Environmental Planning and Assessment Act 1979].
- 3 Submissions received in response to public notification of the development application have raised issues of a nature and extent that establish that the proposed development will have unreasonable impacts [Section 79C(1)(d) Environmental Planning and Assessment Act 1979], and
- 4 The proposed development is contrary to the public interest [Section 79C(1)(e) Environmental Planning and Assessment Act 1979].

This refusal is currently the subject of an ongoing appeal in the Land and Environment Court.

The applicant has requested an amendment to Newcastle LEP 2012 to enable low density residential development that is not restricted to seniors living.

Site

The site comprises land at 64-80 Sandgate Road, Wallsend described as Lot 2 DP 608814 and Lot 111 DP 541783. The site has a total area of 9.778 hectares, however the area subject to which this planning proposal comprises is only a portion of this area, being 1.55 hectares.

Sandgate Road runs along the southern boundary of the site, and Dark Creek is located within the site along the northern boundary. In this regard, the site currently drains to this creek, or through a small drainage channel through the centre of the site. Further north is the Greyhound Racing Track and vacant land, which eventually connects to the Hexham Swamp Nature Reserve. Directly to the west of the site and the opposite side of Sandgate Road contains existing lower density residential development (see **Figure 1:** Local Context of Site).

The previous use of the site was a scrap metal and recycling operation. This industrial activity ceased in 1999, and the buildings associated with this use were demolished to slab level in 2008. Since the closure of the metals recycling facility, the site has remained vacant, and has been occasionally used for overflow parking for the adjacent Greyhound Racing Track.

The site does contain some native vegetation, mainly limited to the creek line and street frontage. In addition there is a row of planted trees in the centre of the site running north-south (see **Figure 2:** Air Photo of Site).



Newcastle Local Environmental Plan 2012

Local Area Context Map

Cadastral

- Cadastre base data 01/08/2007 © LPMA
- Addendum data 21/02/2013 © Newcastle City Council
- Subject Site
- Suburb boundary
- LGA boundary

WALLSEND

BIRMINGHAM GARDENS

JESMOND



Projection GDA 1994
Zone 56

0 100 200m

Scale 1:5,000 @ A4

Planning Proposal - 60-80 Sandgate Road Wallsend -
Local Area Context Map





Newcastle Local Environmental Plan 2012

Site Air Photo Map

Cadastral

-  Cadastre base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site
-  Suburb boundary



Projection GDA 1994
Zone 56

0 50 100m

Scale 1:3,000 @ A4

Planning Proposal - 60-80 Sandgate Road Wallsend -
Site Air Photo Map



PART 1 - OBJECTIVES OR INTENDED OUTCOMES

To enable low density residential development on the subject land at 60 – 80 Sandgate Road Wallsend.

PART 2 - EXPLANATION OF PROVISIONS

It is intended that the objective of this planning proposal is achieved by the following amendments to Newcastle LEP 2012 in relation to the subject land:

1. Amend the Zone Map from part E2 Environmental Conservation zone and part E3 Environmental Management zone to part R2 Low Density Residential zone, and maintain the current zoning of the residual land.
2. Amend the height of building map for part of the land to show a maximum building height of 8.5m.
3. Amend the Floor Space Ratio Map for part of the land to reflect a maximum floor space ratio of 0.6.
4. Amend the Minimum Lot Size Map to show a minimum lot size of 450m² over the 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 a result of a request by the applicant to enable the redevelopment of the land to part residential whilst maintaining the current zoning on the residual of the land.

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 means of enabling low density residential development on part of the land.

Residential development is currently only currently permissible with consent under the provisions of SEPP Seniors Living.

Other options including the use of Schedule 1 Additional Permitted Uses, or amending the list of permissible uses within the zone, and were both considered unsuitable.

Section B - Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Lower Hunter Regional Strategy (2006)

The Lower Hunter Regional Strategy applies to the land. The aim of this Strategy is to ensure that adequate land is available to accommodate the projected housing and employment growth in the Hunter Region over the next 25 years.

The proposal will contribute to generating additional housing opportunities and is therefore considered consistent with this aim.

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

Newcastle 2030 Community Strategic Plan

Council adopted the Newcastle 2030 Community Strategic Plan in February 2011. The planning proposal primarily aligns to the strategic direction 'Open and Collaborative Leadership' identified within the Newcastle Community Strategic Plan 2030.

Compliance with the LEP amendment process, in particular section 57 – community consultation of the Environmental Planning and Assessment (EP&A) Act 1979, will assist in achieving the strategic objective; "Consider decision-making based on collaborative, transparent and accountable leadership" and the identified strategy 7.2b, which states: "Provide opportunities for genuine and representative community engagement in local decision making".

Newcastle Urban Strategy (NUS)

The Newcastle Urban Strategy (NUS) is the major strategic land use study for the Newcastle local government area.

The NUS identifies Wallsend as a sub-regional centre within the Newcastle local government area.

The proposal is consistent with the objectives of the NUS for Wallsend. In particular the proposal will facilitate greater housing choice in Wallsend, which will allow elderly people to remain in Wallsend.

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

Consistency (of the planning proposal) with State Environmental Planning Policies is outlined in the table below.

Table 1 - Consideration of State Environmental Planning Policies

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy No 1—Development Standards	No	
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	No	
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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, there are no known records of koalas on site.

Name of SEPP	Applicable	Consistency
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, The site was previously filled with materials including slag from the former Pasminco Smelter at Cockle Creek.	Yes, from the information provided by the applicant as part of DA 10/1763 Council is satisfied that the contamination identified on the site can be remediated to enable the intended uses of the proposed zoning. A letter to the applicant from the NSW Environmental Protection Authority dated 14/2/2012 confirmed the above position. This letter is included as Attachment A of this planning proposal.
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	
State Environmental Planning Policy (Infrastructure) 2007	No	No

Name of SEPP	Applicable	Consistency
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	No	
State Environmental Planning Policy (Major Development) 2005	No	
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	
State Environmental Planning Policy (Rural Lands) 2008	No	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	
State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007	No	
State Environmental Planning Policy (Western Sydney Parklands) 2009	No	
SEPP (State and Regional Development) 2011	No	

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

Consistency (of the planning proposal) with State Environmental Planning Policies is outlined in the table below.

Table 2 - Consideration of Section 117 Direction

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1.1 Business and Industrial Zones	No	
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1.4 Oyster Aquaculture	No	
1.5 Rural Lands	No	
2. Environment and Heritage		
2.1 Environment Protection Zones	Yes, the proposal will reduce the environmental protection standards that apply to the land due to the change in zone and development standards including a reduction in minimum lot size.	Yes, the site does not contain environmentally sensitive areas that will be adversely impacted by the proposal. On the contrary, the riparian zone that runs between Dark Creek and the site would be vastly improved from works resulting from development which may occur if the land were rezoned.
2.2 Coastal Protection	No	

S117 Direction	Applicable	Consistent
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	Yes	Yes, the proposal is consistent with the objectives of this direction as the site is strategically located for the proposed use and will not affect transport choices.
3.5 Development Near Licensed Aerodromes	No	
4. Hazard and Risk		
4.1 Acid Sulfate Soils	Yes	Yes, works carried out on the land must be undertaken in accordance with Clause 6.1 Acid sulfate soils of the Newcastle Local Environmental Plan 2012.
4.2 Mine Subsidence and Unstable Land	No	
4.3 Flood Prone Land	Yes	Yes, the land subject to this planning proposal is identified as flood prone land but is not located in a floodway. Consultants BMT WBM Pty Ltd advised <i>"that the proposed development on Sandgate Road is expected to have minimal impact on local Dark Creek flood behaviour, or on regional flood behaviour associated with the Hunter River and the immense flood storage provided by Hexham Swamp."</i> Furthermore they advised that <i>"the site once filled will not be affected by flash flooding in Dark Creek and will be higher than 100 year flood level in Hunter River / Hexham Swamp"</i> .
4.4 Planning for Bushfire Protection	Yes	A Bushfire Protection Assessment has been prepared by Australian Bushfire Protection Planners (ABPP), which concluded that the vegetation across the greater site consists of grazed grassland which is not deemed to be bushfire prone. While it is still the intention that this land continues to be grazed, an Evacuation Plan for the development is required. The management strategies included in the Bushfire Assessment will be adopted as part of the construction documentation for future residential development. Council will consult with the Commissioner of the NSW Rural Fire Service prior to community consultation.

S117 Direction	Applicable	Consistent
5. Regional Planning		
5.1 Implementation of Regional Strategies	Yes	Yes, the planning proposal is consistent with the Lower Hunter Regional Strategy and does not undermine achievement of its vision, land use strategy, policies, outcomes, or actions.
5.2 Sydney Drinking Water Catchments	No	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No	
5.8 Second Sydney Airport: Badgerys Creek	No	
6. Local Plan Making		
6.1 Approval and Referral Requirements	No	
6.2 Reserving Land for Public Purposes	No	
6.3 Site Specific Provisions	No	

Section C - Environmental, social, and economic impact

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

The site is cleared and does not contain any significant vegetation, hence no threatened species, critical habitat, ecological communities or their habitat are identified on the land.

A Flora and Fauna Assessment undertaken by RPS HSO confirmed that no threatened or endangered flora or fauna species have been located within the subject land.

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

Mine Subsidence

The site is not located within a Mine Subsidence District.

Hydrology and Water Management

This issue is addressed in **Table 2** - Consideration of Section 117 Directions, above.

Bushfire

This issue is addressed in **Table 2** - Consideration of Section 117 Directions, above.

Heritage

There are no listed items of environmental heritage on site or in the vicinity of the site.

Contamination

This issue is addressed in **Table 2** - Consideration of Section 117 Directions, above.

Traffic Impacts and Vehicular and Pedestrian Access

The site is accessible to Sandgate Road. Any likely impacts on local traffic generated from future development may be addressed at the DA stage.

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

No items of European or Aboriginal cultural heritage have been identified on the land.

The planning proposal will enable an extension of the adjoining residential land use. Furthermore, the proposal will provide opportunities for a greater choice in housing and will contribute to the local economy of Wallsend Commercial Centre.

Section D - State and Commonwealth interests

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

Yes, the site is adequately serviced with infrastructure. Availability of water and sewer was confirmed with Hunter Water as part of the previous DA for seniors living development.

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

The applicant has consulted with the NSW Environmental Protection Authority regarding contamination on the land. A copy of this correspondence is included as **Attachment A** of this planning proposal.

No other State or Commonwealth public authorities were consulted in preparing this planning proposal. However such consultation will be carried out in accordance with the requirements of the gateway determination.

PART 4 – MAPPING

The planning proposal seeks to amend the following maps within Newcastle LEP 2012:

- Land Zoning Map
- Height of Buildings Map
- Floor Space Ratio Map
- Minimum Lot Size Map

The following maps are included to illustrate the mapping amendments proposed:

- **Figure 3:** Existing Land Zoning Map
- **Figure 4:** Proposed Land Zoning Map
- **Figure 5:** Proposed Max Height of Buildings Map
- **Figure 6:** Proposed Max Floor Space Ratio Map
- **Figure 7:** Existing Min Lot Size Map
- **Figure 8:** Proposed Min Lot Size Map



Newcastle Local Environmental Plan 2012

Existing Land Zoning Map

Cadastral

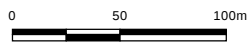
-  Cadastre base data 01/08/2007 © LPMA
Addendum data 21/02/2013 © Newcastle City Council
 Subject Site

Zone

-  B1 Neighbourhood Centre
 B2 Local Centre
 B3 Commercial Core
 B4 Mixed Use
 B5 Business Development
 E1 National Parks and Nature Reserves
 E2 Environmental Conservation
 E3 Environmental Management
 E4 Environmental Living
 IN1 General Industrial
 IN2 Light Industrial
 IN3 Heavy Industrial
 R2 Low Density Residential
 R3 Medium Density Residential
 R4 High Density Residential
 RE1 Public Recreation
 RE2 Private Recreation
 SP1 Special Activities
 SP2 Infrastructure
 W2 Recreational Waterways
 UL Unzoned Land

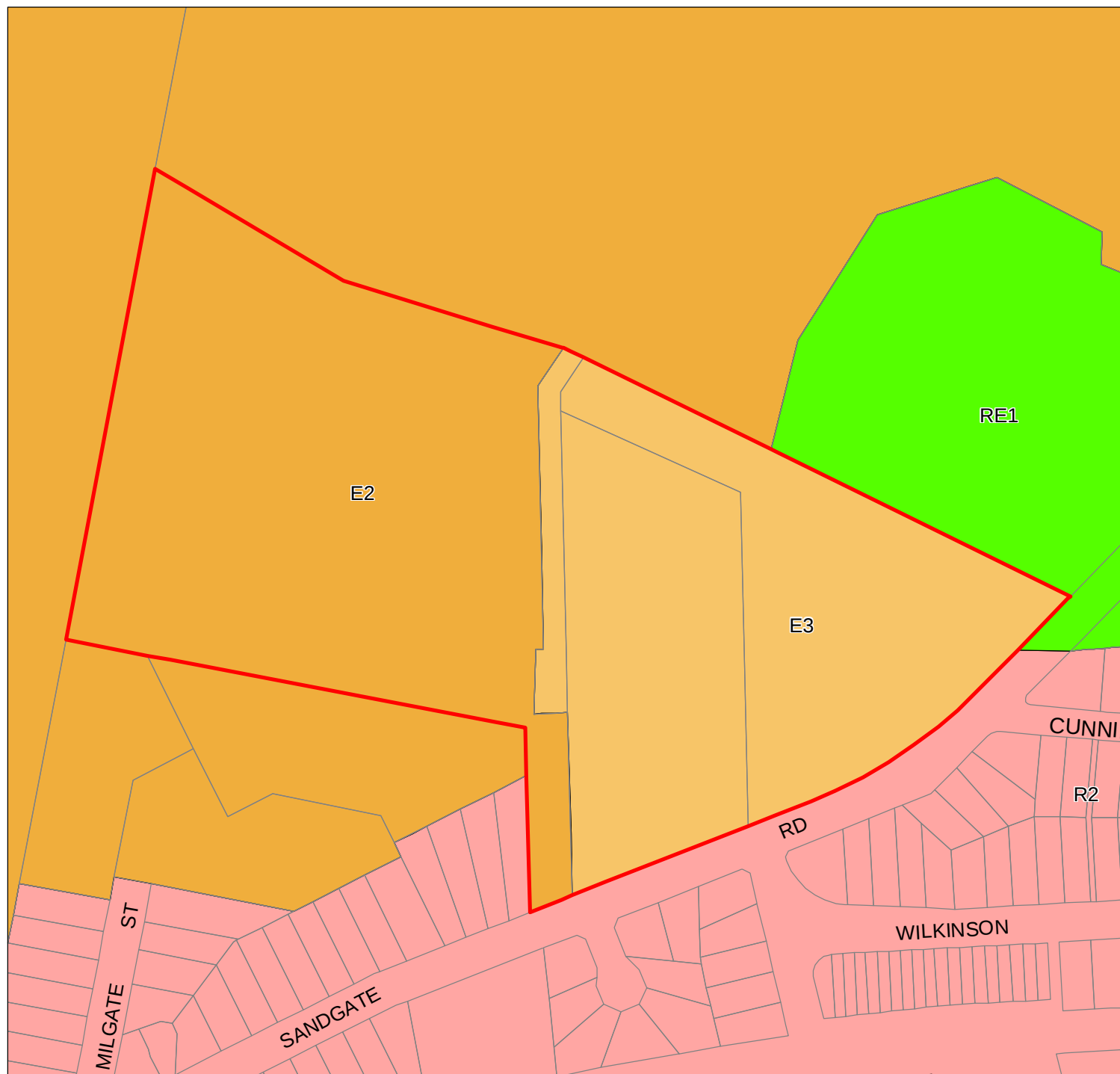


Projection GDA 1994
Zone 56



Scale 1:3,000 @ A4

Planning Proposal - 60-80 Sandgate Road Wallsend -
Existing Land Zoning Map





Newcastle Local Environmental Plan 2012

Proposed Land Zoning Map

Cadastral

-  Cadastre base data 01/08/2007 © LPMA
Addendum data 21/02/2013 © Newcastle City Council
 Subject Site

Zone

-  B1 Neighbourhood Centre
 B2 Local Centre
 B3 Commercial Core
 B4 Mixed Use
 B5 Business Development
 E1 National Parks and Nature Reserves
 E2 Environmental Conservation
 E3 Environmental Management
 E4 Environmental Living
 IN1 General Industrial
 IN2 Light Industrial
 IN3 Heavy Industrial
 R2 Low Density Residential
 R3 Medium Density Residential
 R4 High Density Residential
 RE1 Public Recreation
 RE2 Private Recreation
 SP1 Special Activities
 SP2 Infrastructure
 W2 Recreational Waterways
 UL Unzoned Land

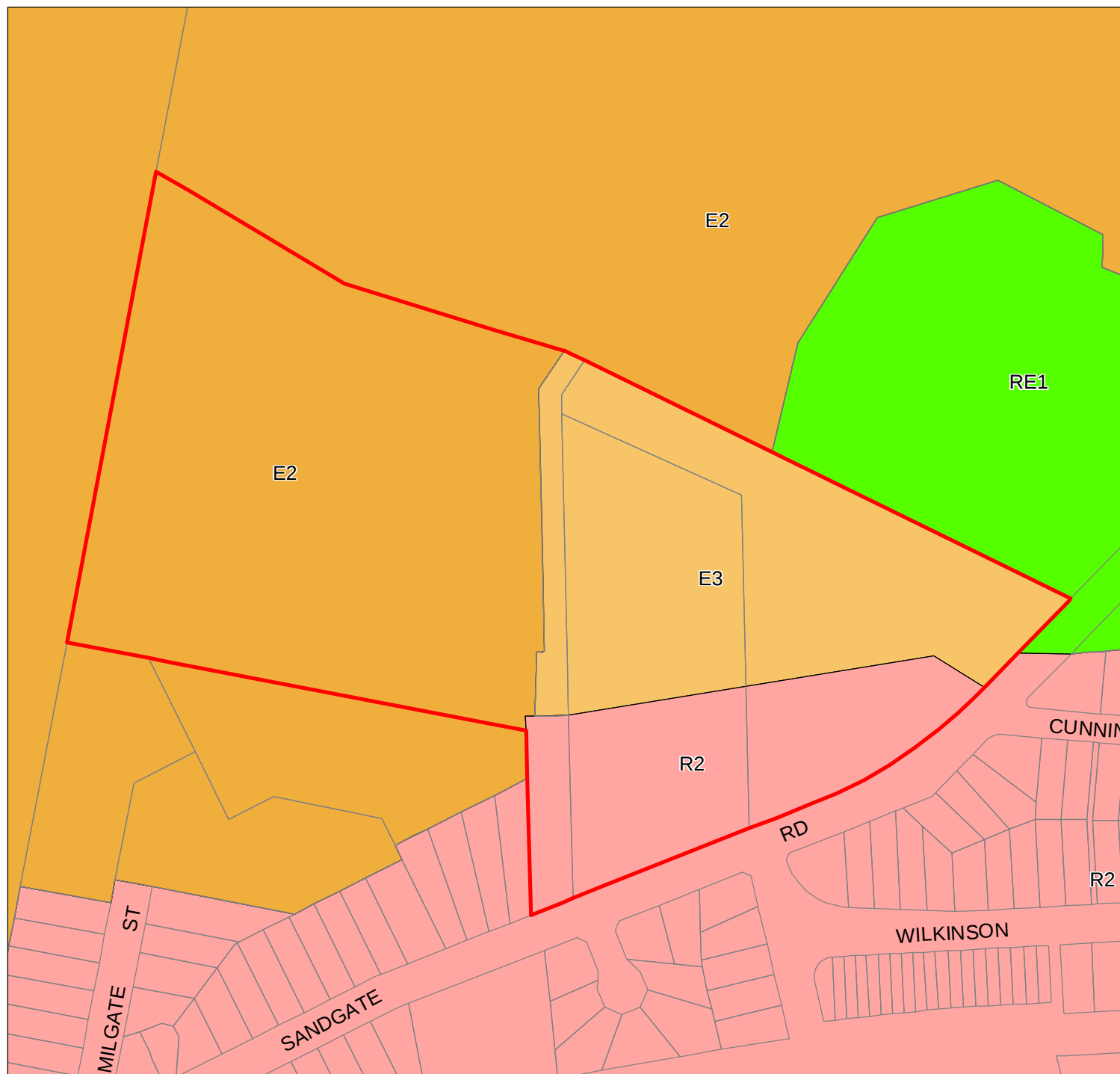


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:3,000 @ A4

Planning Proposal - 60-80 Sandgate Road Wallsend -
Proposed Land Zoning Map





Newcastle Local Environmental Plan 2012

Proposed Max Height of Building Map

Cadastre

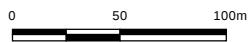
-  Cadastre base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site

Maximum Building Height (m)

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

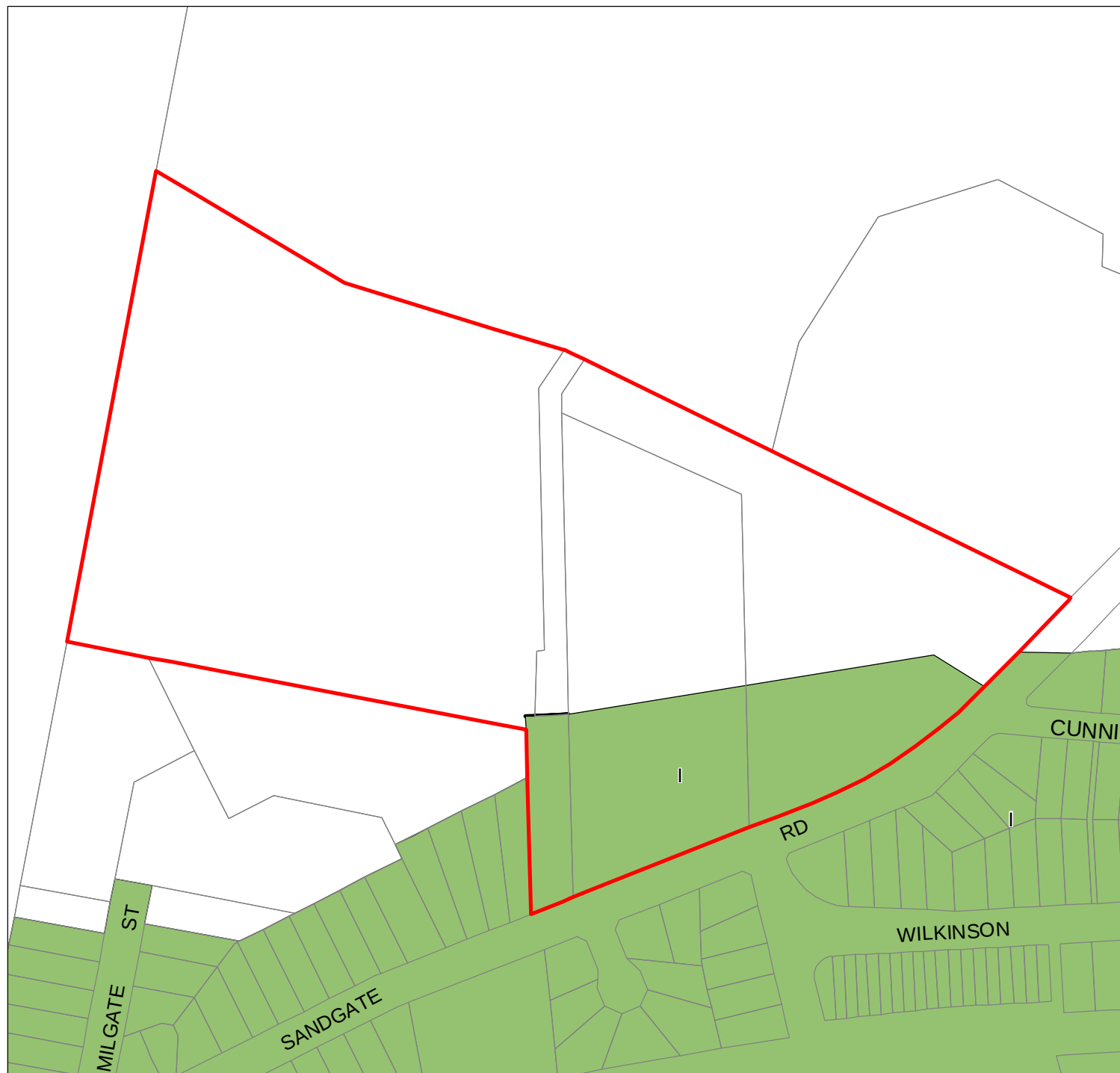


Projection GDA 1994
Zone 56



Scale 1:3,000 @ A4

Planning Proposal - 60-80 Sandgate Road Wallsend -
Proposed Max Height of Building Map





Newcastle Local Environmental Plan 2012

Proposed Max Floor Space Ratio Map

Cadastre

-  Cadastre base data 01/08/2007 © LPMA
-  Addendum data 21/02/2013 © Newcastle City Council
-  Subject Site

Maximum Floor Space (n:1)

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

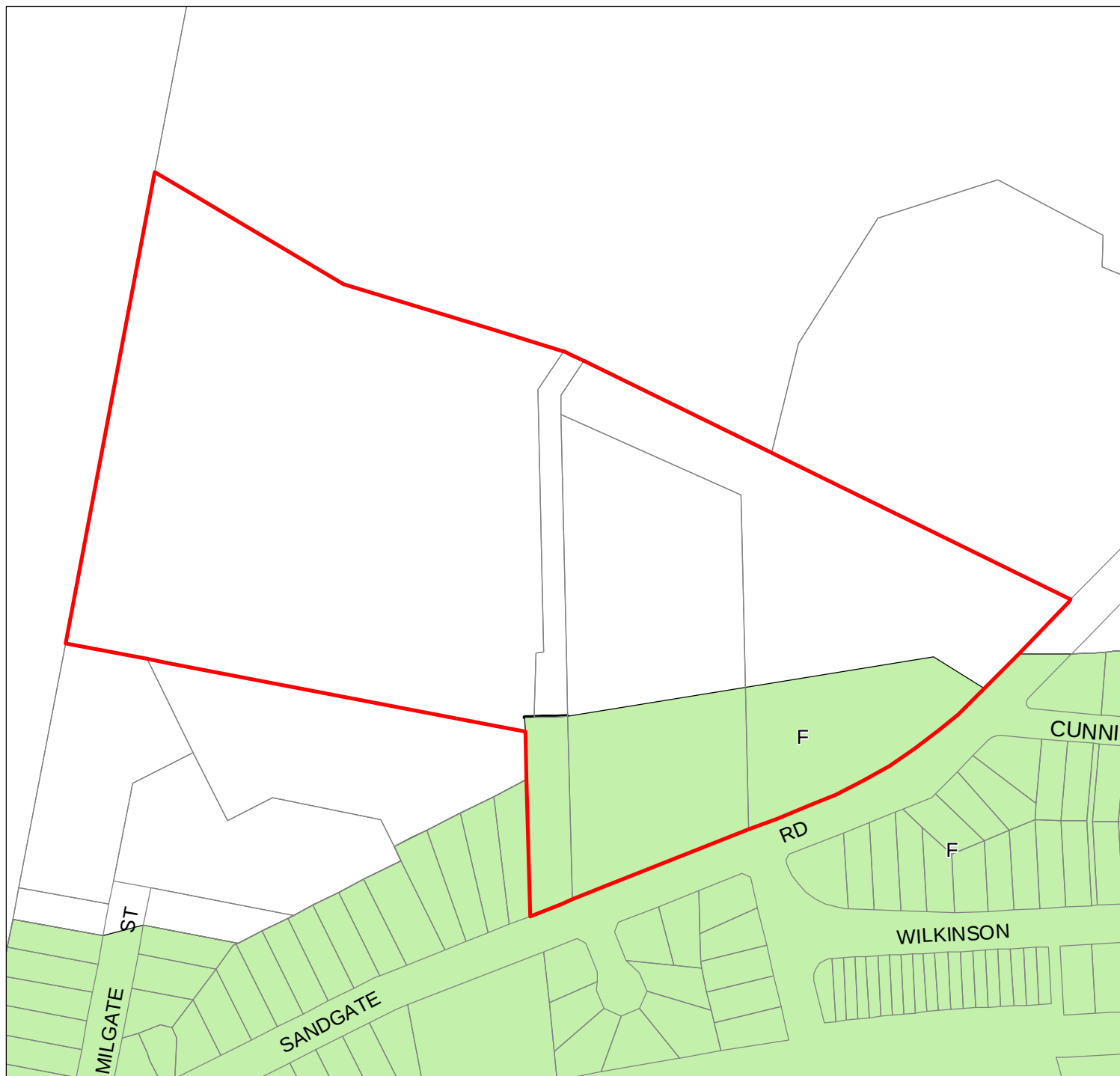


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:3,000 @ A4

Planning Proposal - 60-80 Sandgate Road Wallsend -
Proposed Max Floor Space Ratio Map





Newcastle Local Environmental Plan 2012

Existing Min Lot Size Map

Minimum Lot Size (sq m)

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

Cadastral

Cadastral base data 01/08/2007 © LPMA
Addendum data 26/09/2012 © Newcastle City Council

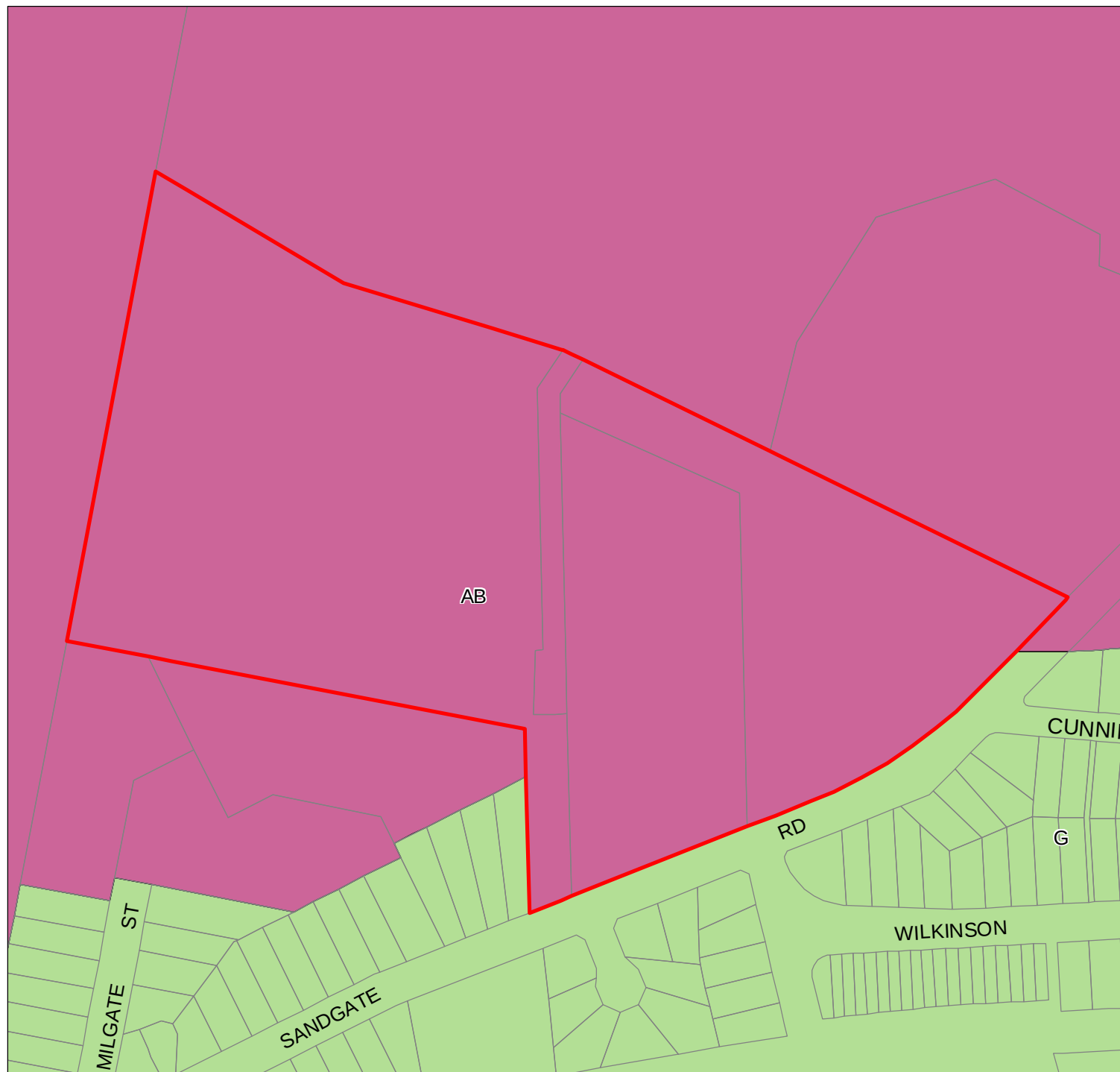


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:3,000 @ A4

Planning Proposal - 60-80 Sandgate Road Wallsend -
Existing Min Lot Size Map





Newcastle Local Environmental Plan 2012

Proposed Min Lot Size Map

Minimum Lot Size (sq m)

F	400
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Cadastral

Cadastral base data 01/08/2007 © LPMA
Addendum data 26/09/2012 © Newcastle City Council

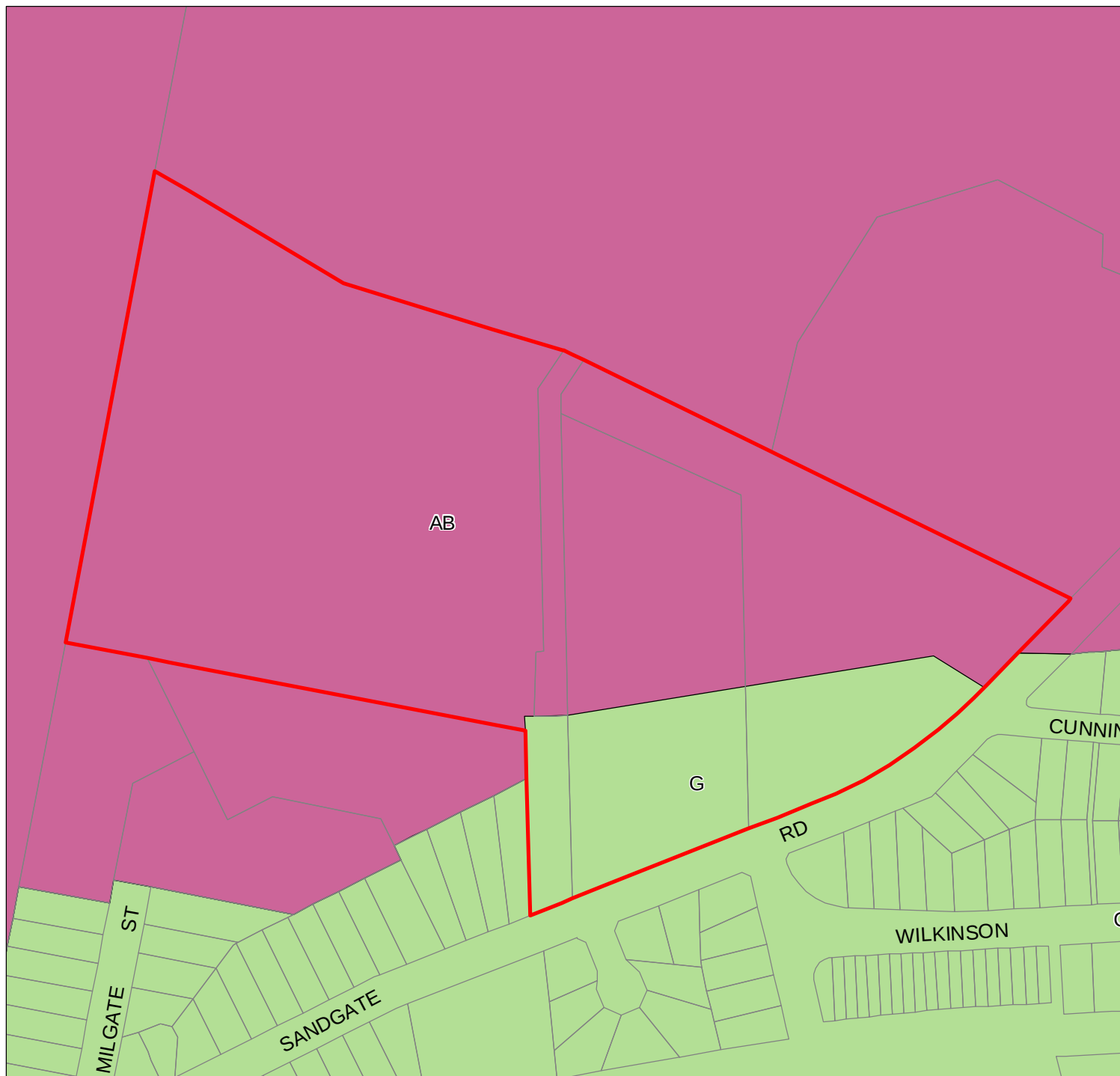


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:3,000 @ A4

Planning Proposal - 60-80 Sandgate Road Wallsend -
Proposed Min Lot Size Map



PART 5 – COMMUNITY CONSULTATION

The planning proposal is considered as low impact in accordance with the Department of Planning's guidelines, 'A guide to preparing local environmental plans'. Hence it is proposed that the planning proposal will be publicly exhibited for a minimum 14 day period.

Council propose to consult with the following agencies prior to public exhibition of the planning proposal:

- Roads and Maritime Services
- Rural Fire Service

Any other relevant agencies will be consulted in accordance with the requirements of the gateway determination.

PART 6 – PROJECT TIMELINE

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

Task	Planning Proposal Timeline											
	Mar 13	Apr 13	May 13	Jun 13	Jul 13	Aug 13	Sep 13	Oct 13	Nov 13	Dec 13	Jan 14	Feb 14
Issue of Gateway Determination												
Prepare any outstanding studies												
Consult with required State Agencies												
Exhibition of planning proposal and technical studies												
Review of submissions and preparation of report to Council												
Report to Council following exhibition												
Planning Proposal sent back to Department requesting that the draft LEP be prepared												

Attachment A

Letter to applicant from NSW Environment Protection Authority regarding contamination of land at 64 - 80 Sandgate Road, Wallsend.

Your reference: none
Our reference: FIL07/8910-02 :DOC12/3267
Contact: E Wilson 02 9995 5615

Attn. Gregor Riese
Property & Risk Manager - Recycling
OneSteel Recycling Holdings Pty Ltd
Level 10, 124 Walker Street
NORTH SYDNEY NSW 2060

Dear Mr ~~Riese~~ *Gregor*

**Section 12 Assessment
Former OneSteel Recycling Yard,
64-80 Sandgate Road, Wallsend**

Thank you for forwarding the updated groundwater data as requested. We have assessed the data in light of previous reports and concluded that the reported background groundwater conditions are most likely naturally occurring (BHe42).

The data indicates that groundwater levels have been rising and that the very low pH conditions recorded were most likely due to acidification and scalding during the recent drought. On the basis of available information there does not appear to be an up-gradient source of contamination

We are still of the view that there are no reasons to believe the contamination at the site is significant enough to warrant regulation under the Act for the following reasons:

- direct human exposure to the contamination is prevented by the site fencing; and
- fill material on the site has low leaching characteristics and does not appear to impact groundwater quality.

It is still considered that risks posed by the residual contamination that may arise on future changes in use, or on development of the site, can be appropriately managed under the planning process and implementation of State Environmental Planning Policy (SEPP) No. 55. We concur with the proposed capping of the fill and implementation of the Environmental Management Plan. We also recommend implementation of appropriate OH&S protocols for workers undertaking excavations at the site.

If you have any questions on this matter, please contact Ean Wilson on (02) 9995 5615.

Yours sincerely

NJL 14/2/12

NIALL JOHNSTON
Manager Contaminated Sites
Environment Protection Authority
CC Newcastle City Council