

Expansion of Service Station at 289 - 291 Turton Road, New Lambton

Proposal Title : Expansion of Service Station at 289 - 291 Turton Road, New Lambton

Proposal Summary : The proposal intends to amend Newcastle LEP 2012 in order to enable the redevelopment and extension of an existing service station use on land at 289 - 291 Turton Road, New Lambton.

The site is currently zoned R2 Low Density Residential. As 'service stations' are prohibited in this zone, it is proposed to enable expansion of the current service station onto the adjoining lot through an additional permitted use provision.

PP Number : PP_2013_NEWCA_002_00

Dop File No : 13/06223

Proposal Details

Date Planning : 04-Apr-2013

LGA covered : Newcastle

Proposal Received :

Region : Hunter

RPA : Newcastle City Council

State Electorate : NEWCASTLE

Section of the Act : 55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street : 289 - 291 Turton Road

Suburb : New Lambton

City :

Postcode : 2303

Land Parcel : Lot 4 DP 18086, Lot 5 DP 18086 and Part Lot 6 DP 18086

DoP Planning Officer Contact Details

Contact Name : Dylan Meade

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RPA Contact Details

Contact Name : Johannes Honnef

Contact Number : 0249742893

Contact Email : jhonnef@ncc.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Lower Hunter Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	1	No. of Dwellings (where relevant) :	0
Gross Floor Area :	150.00	No of Jobs Created :	5

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting Notes : Council have not requested use of plan-making delegations. As the planning proposal is considered to have minor impacts, it is recommended Council are given plan-making delegations.

External Supporting Notes :

Adequacy Assessment

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

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

Comment : The statement of objectives explains that the proposal intends to allow the redevelopment and extension of an existing service station use on land at 289 - 291 Turton Road, New Lambton. The statement of objectives is supported.

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

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

Comment : The explanation of provisions provided explains that the proposal is to be achieved through an amendment to Newcastle LEP 2012 by inclusion of an additional item within Schedule 1 Additional Permitted Uses allowing a 'service station' with a 'retail floor area not exceeding 150m²' on the subject site .

Council advises that it is currently preparing a local planning strategy which is due for completion in December 2013. The local planning strategy will consider the most appropriate zone for the site and surrounding area along Turton Road which has low residential amenity and is adjacent to regional sporting facilities. Council requests that the additional permitted use provision be supported as an interim measure so that economic redevelopment of the site is not delayed.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **6.3 Site Specific Provisions**

* May need the Director General's agreement

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

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

d) Which SEPPs have the RPA identified?

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

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes to exhibit the planning proposal for 14 days. This exhibition period is supported.**

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **June 2012**

Comments in relation to Principal LEP : **Newcastle LEP 2012 was gazetted on 15 June 2012.**

Assessment Criteria

Need for planning proposal :	The planning proposal is required to enable redevelopment and expansion of an existing service station. The service station is currently located at Lots 4 and 5 DP 18086 (291 Turton Road), but it is proposed to redevelop this and the adjoining Lot 6 DP 18086 (289 Turton Road). Council advises that a development application for a service station was refused by Council on 21 December 2012 on several grounds including that service stations are prohibited in the R2 Low Density Residential zone and a number of design issues (which
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can be addressed by the applicant). Although Lots 4 and 5 DP 18086 (291 Turton Road) may have existing use rights for a service station, Lot 6 DP 18086 (289 Turton Road) does not.

Consistency with strategic planning framework :

LOWER HUNTER REGIONAL STRATEGY (LHRS)

The proposal is consistent with the LHRS in that it facilitates employment opportunities in existing urban areas

SECTION 117 DIRECTIONS

The proposal is inconsistent with s.117 Direction 6.3 Site Specific Provisions as it restricts the retail floor component of the service station to 150m². Council advises that it had received legal opinion that it cannot rely on provisions in CI 5.4(7) to restrict the retail floor component of the service station to 150m². Neighbourhood shops are permitted in the zone but are restricted to 150m² under CI 5.4(7). The restriction to the retail floor area is therefore considered of minor significance as the retail floor area of the service station is not restricted more than otherwise if the retail component was considered as a separate neighbourhood shop.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

The proposal is considered consistent with all relevant SEPPs.

Council notes that the proposal may be inconsistent with SEPP 55 Remediation of Land as the current site is likely to be contaminated from previous use as a services station. However, as the proposal will not allow additional uses not already in use on the site, the proposal is considered consistent with the provisions of the SEPP. Council further advises that it will undertake contamination assessment as part of the development assessment process.

Environmental social economic impacts :

Assessment Process

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

Timeframe to make LEP : **9 Month** Delegation : **RPA**

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

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

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Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

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

S.117 directions: **6.3 Site Specific Provisions**

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

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

(a) the planning proposal must be made publicly available for a minimum of 14 days; and

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

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

- **Transport for NSW - Roads and Maritime Service**

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

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

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

Supporting Reasons : **The proposal intends to allow for the redevelopment and expansion of a service station. Implementing the proposal through an additional permitted use is supported in this instance, as Council intends to zone the area appropriately after consideration of its local planning strategy in late 2013.**

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Signature:



Printed Name:

K. O'FLAHERTY

Date:

17-4-13