

Newcastle Local Environmental Plan 2012 - B4 Mixed Use Rezoning at Hamilton East & Newcastle West

Proposal Title :	Newcastle Local Environmental Plan 2012 - B4 Mixed Use Rezoning at Hamilton East & Newcastle West		
Proposal Summary :	The Planning Proposal aims to rezone land within an identified renewal corridor from R3 Medium Density Residential to B4 Mixed Use under the Newcastle Local Environmental Plan 2012. The proposed B4 Mixed Use zone recognises the existing land uses operating from the site and allows the possible expansion of the service station and vehicle hire premises. Shop top housing and residential flat buildings housing are also permitted in the proposed B4 Mixed Use zone making it possible to redevelop the site as a mixed commercial and residential development.		
PP Number :	PP_2013_NEWCA_003_00	Dop File No :	13/06906

Proposal Details

Date Planning Proposal Received :	17-Apr-2013	LGA covered :	Newcastle
Region :	Hunter	RPA :	Newcastle City Council
State Electorate :	NEWCASTLE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Lots 9-14 DP 456092, Lot 1 DP 551981, Lot 3 DP 630408 and Lot 101 DP 701314		
Suburb :	No. 113-125 Parry	City :	Newcastle
Land Parcel :	Street, Newcastle West & 41-43 Denison Street, Hamilton East	Postcode :	2300

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

Newcastle Local Environmental Plan 2012 - B4 Mixed Use Rezoning at Hamilton East & Newcastle West

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) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0
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 : **The service station and vehicle hire premises currently operate under the existing use rights provisions**

The redevelopment of the site may create additional jobs opportunities.

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 purpose of the Planning Proposal is to permit a mixed use development.**

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

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

Comment : **The explanation of provisions explains that the site will be rezoned B4 Mixed Use under the Newcastle Local Environmental Plan 2012. This will involve amending the Land Use Zoning Map to reflect a B4 Mixed Use, amending the Height of Buildings Map to reflect a maximum height of 14m and amending the Floor Space Ratio (FSR) Map to allow a maximum FSR of 1:5. The minimum lot size will remain 400sq m per allotment.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.2 Mine Subsidence and Unstable Land

4.3 Flood Prone Land

5.1 Implementation of Regional Strategies

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

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

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP No 64—Advertising and Signage

SEPP (Infrastructure) 2007

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

N/A

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

If No, explain :

Direction 1.1 Business and Industrial Zones

The PP rezones land from R3 Medium Density Residential to B5 Business Development. This is inconsistent with this Direction because it is not justified by an endorsed strategy. It is recommended that the D-G approves this minor inconsistency to reflect the existing land uses and the rezoning may encourage the redevelopment of the site as a mixed commercial and residential development within the renewal corridor identified by the LHRS.

Direction 4.2 Mine Subsidence and Unstable Land

The subject land is located within a mine subsidence district. Council needs to consult the Mine Subsidence Board to address this S117 Direction because the mixed use zone provides additional development opportunities.

Direction 4.3 Flood Prone Land

Council identifies this S117 Direction because the subject land is flood prone. The Planning Proposal should be consistent with this S117 direction.

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 because it is considered of low impact .

Additional Director General's requirements

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

If Yes, reasons :

Newcastle Local Environmental Plan 2012 - B4 Mixed Use Rezoning at Hamilton East & Newcastle West

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **SI LEP published 15 June 2012**

Assessment Criteria

Need for planning proposal :	Yes. The preparation of a Planning Proposal is the most appropriate mechanism to investigate whether the subject land should be rezoned.
Consistency with strategic planning framework :	Yes. The proposed B4 Mixed Use zone will permit a broader range of commercial uses and may encourage the redevelopment of this prominent site, which is located within the Hamilton renewal corridor and adjoins the Newcastle Urban Renewal SEPP city centre boundary. The PP is consistent with the objectives and desired outcomes of the Lower Hunter Regional Strategy (LHRS), which identifies this area as part of a renewal corridor. The purpose of renewal corridors is to provide residential and mixed use opportunities for areas around high frequency transport networks and in close proximity to centres.
Environmental social economic impacts :	The PP will have positive social and economic impacts by enhanced mixed use opportunities.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	14 Days
Timeframe to make LEP :	9 Month	Delegation :	DG
Public Authority Consultation - 56(2)(d) :	Mine Subsidence Board 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. :

Other - provide details below

Newcastle Local Environmental Plan 2012 - B4 Mixed Use Rezoning at Hamilton East & Newcastle West

If Other, provide reasons :

Contamination Report to address SEPP 55 as required by Council.

A Traffic Assessment is not required because any redevelopment of the site is unlikely to have significant adverse impacts on traffic movements in the area, given the traffic movements generated by the existing service station development and the high level of traffic in the surrounding area. Consultation with the RMS is required because the site adjoins a classified main road.

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
Planning Proposal - ParryStreet NewcastleWest & DenisonStreet HamiltonEast.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.2 Mine Subsidence and Unstable Land**
- 4.3 Flood Prone Land**
- 5.1 Implementation of Regional Strategies**

Additional Information : **It is recommended that:**

1. The Planning Proposal be supported.

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

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

3. Council be required to address SEPP 55 in the Planning Proposal and prepare a contamination report. The contamination report shall be exhibited with the Planning Proposal.

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

- Mine Subsidence Board**
- Roads & Maritime Services**

The 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.

Newcastle Local Environmental Plan 2012 - B4 Mixed Use Rezoning at Hamilton East & Newcastle West

5. The Director General (or delegate) approves the minor inconsistency with the Minister's S117 Direction 1.1 Business and Industrial Zones because the planning proposal reflects the existing land uses and the rezoning may encourage the redevelopment of the site within the renewal corridor identified in the Lower Hunter Regional Strategy.

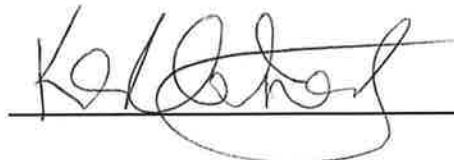
6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.

7. The timeframe for completing the LEP is 9 months from the date of the Gateway Determination.

Supporting Reasons :

The Planning Proposal implements the Lower Hunter Regional Strategy. The proposed B4 Mixed Use zone will permit a broader range of commercial uses and may encourage the redevelopment of the site as a mixed commercial and residential development within the identified Hamilton renewal corridor.

Signature:



Printed Name:

K O'FLAHERTY

Date:

24-4-13