

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

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.

5. The Director General (or delegate) approves the minor inconsistency with the Minister's

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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.

Panel Recommendation

Recommendation Date : **02-May-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

The planning proposal should proceed subject to the following conditions:

Recommendation :

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

2. 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 is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and 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 2013).

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- **Transport for NSW - Roads and Maritime Services**
- **Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)**

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. 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).

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

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Signature:

M. Selman

Printed Name:

NEIL SELMAN

Date:

3/5/13