

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).

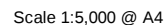
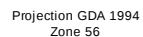
The proposal consists of land 113 to 125 Parry St Newcastle West and 41 to 43 Denison St Hamilton East, described as lots 9 to 14 DP 456092, Lot 1 DP 551981, Lot 3 DP 630408 and Lot 101 DP 701314. It is 2150m² in area.

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).



Cadaastre

 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

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-  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

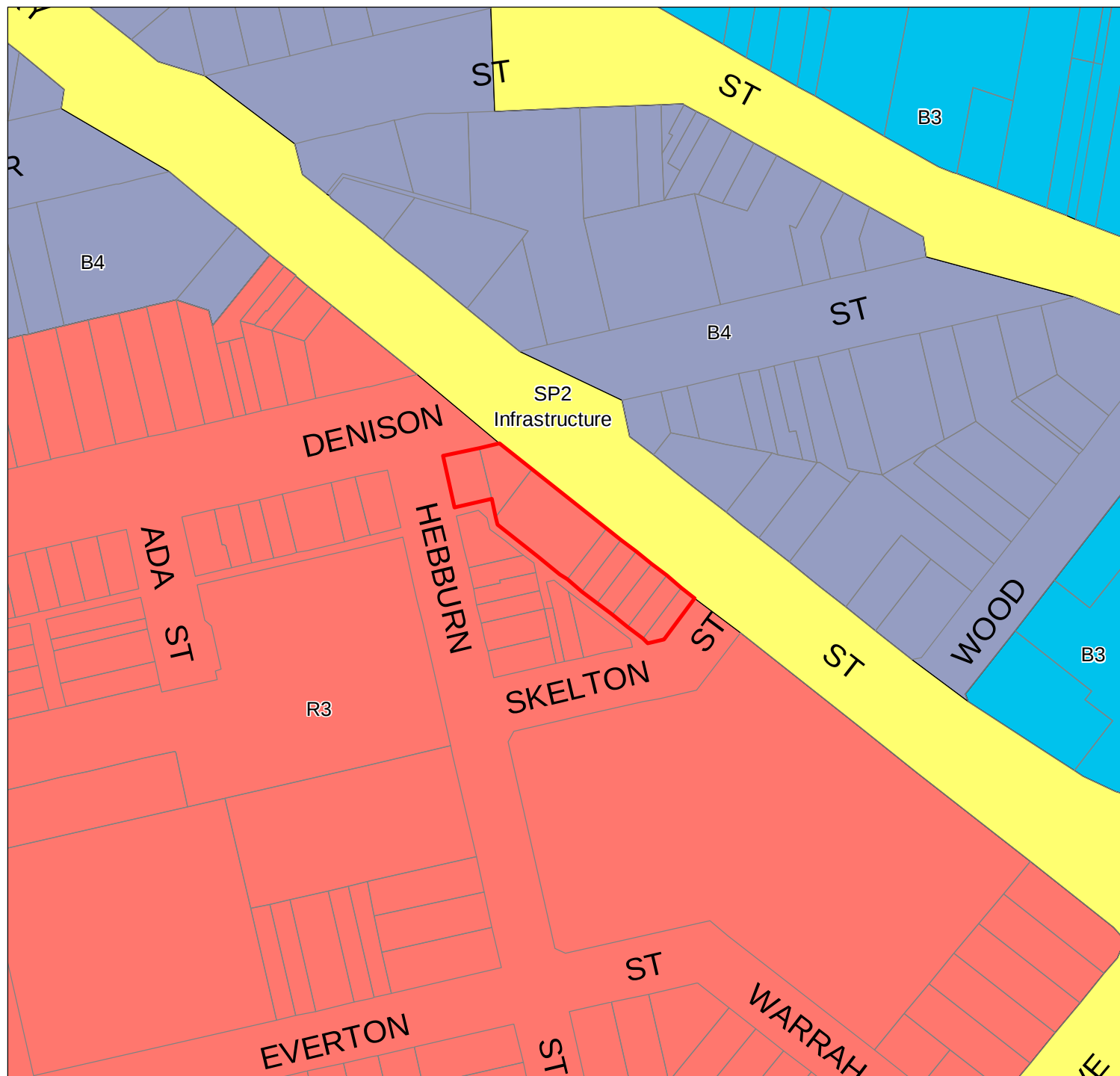


Projection GDA 1994
Zone 56

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

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-  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

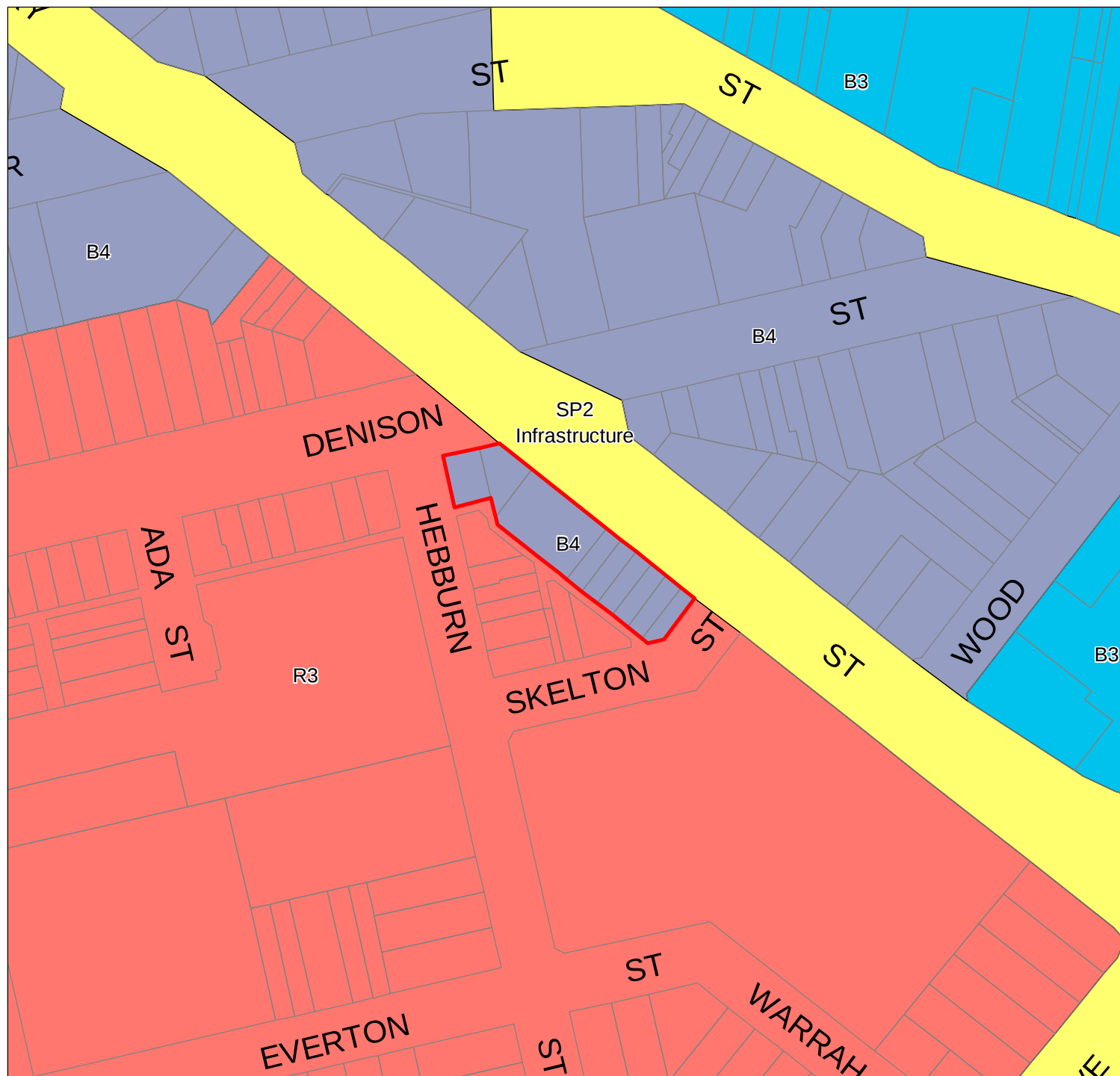


Projection GDA 1994
Zone 56

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

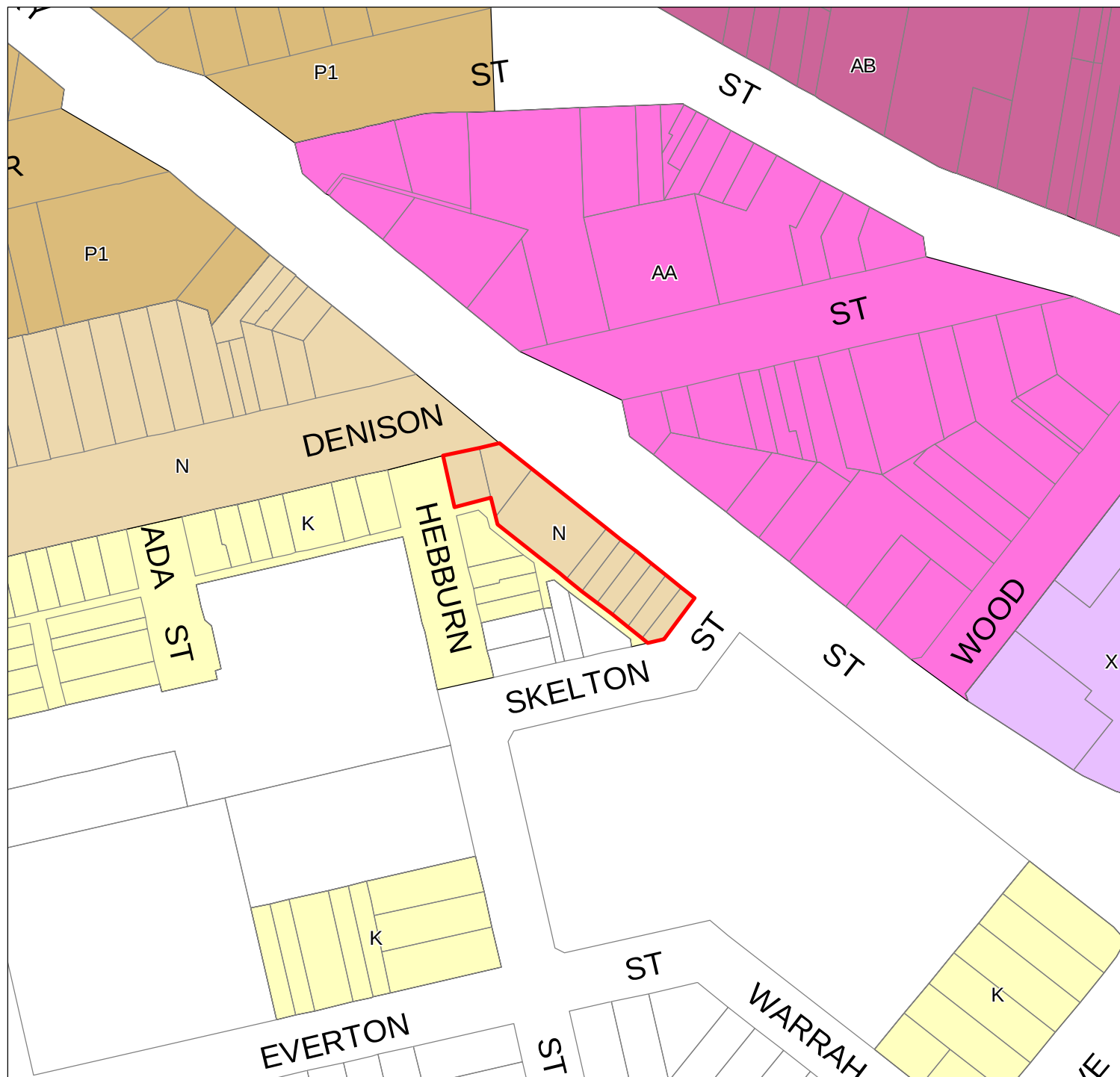


Projection GDA 1994
Zone 56

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

-  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

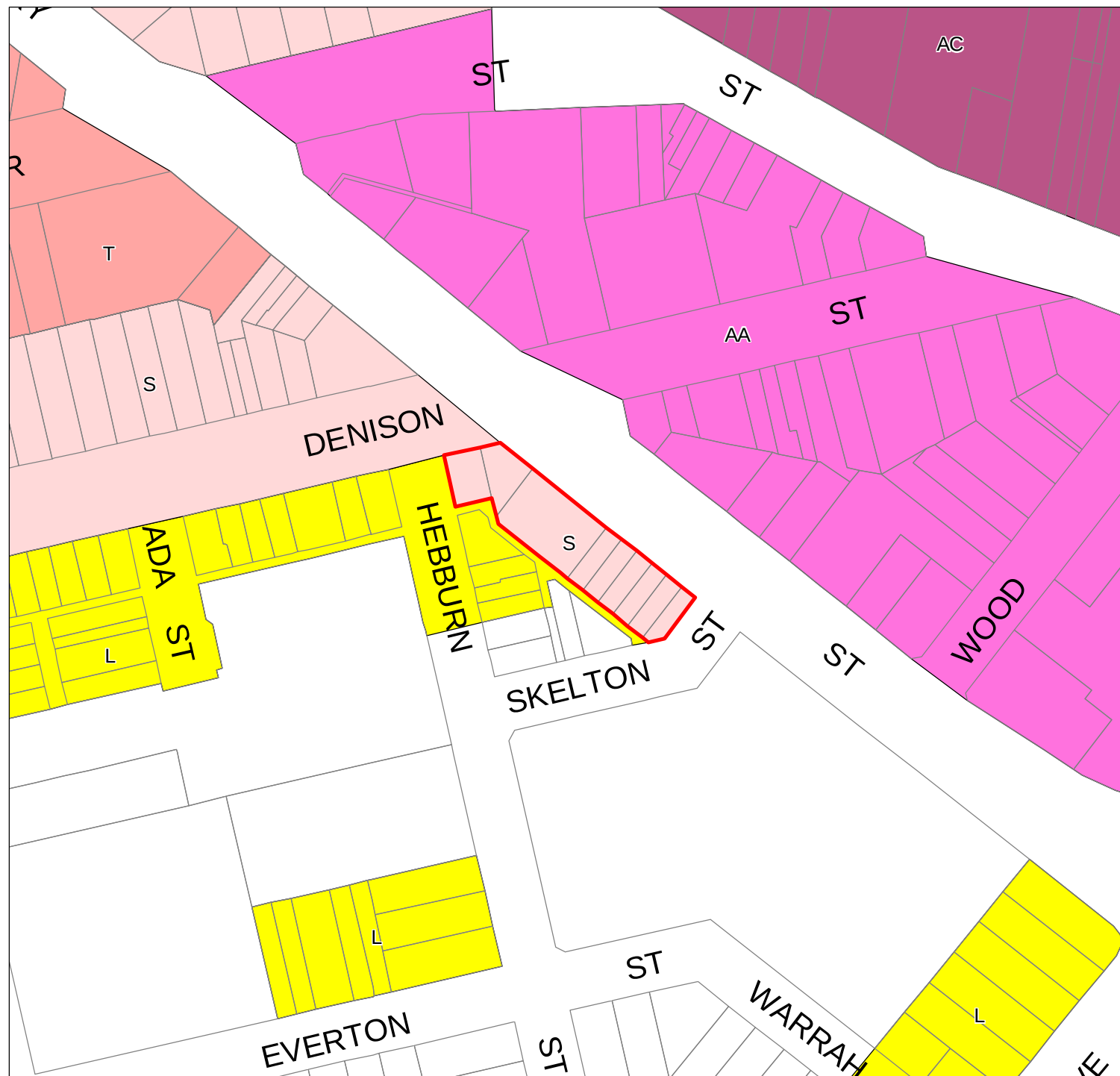


Projection GDA 1994
Zone 56

0 50 100m

Scale 1:2,000 @ A4

Planning Proposal - 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												