

Newcastle Local Environmental Plan 2012 - Medium Density Rezoning at Wallsend

Proposal Title : **Newcastle Local Environmental Plan 2012 - Medium Density Rezoning at Wallsend**

Proposal Summary : **The Planning Proposal aims to rezone land from part R2 Low Density Residential zone and part IN2 Light Industry zone to R3 Medium Density Residential zone under the Newcastle Local Environmental Plan 2012.**

The land zoned IN2 Light Industry is currently used for industrial purposes and accessed through the residential streets, which are not designed to cater for heavy vehicle movements. Rezoning the land will remove the land use conflict between the industrial and residential land uses.

PP Number : **PP_2013_NEWCA_006_00**

Dop File No : **13/06905**

Proposal Details

Date Planning : **17-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 : **No.44 & 46 George Street, 9 & 17 James Street, 2 John Street, 1, 3, 5, 7, 9, 11, 13, 15 & 17 Robert**

Suburb : **Street Wallsend** City : **Newcastle** Postcode : **2287**

Land Parcel : **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.**

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **Johannes Honnef**

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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) :	2.60	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	40	No. of Dwellings (where relevant) :	40
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 : 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.

The rezoning will provide medium density housing within 400m of the Wallsend town centre, which is consistent with the Lower Hunter Regional Strategy and Newcastle Urban Strategy, which has not been endorsed by the Director General.

Retaining an isolated parcel of industrial land with inadequate vehicle access is not desirable. There are more appropriately located vacant industrial sites within the City of Newcastle and the Lower Hunter Region. Also, Council is finalising a rezoning proposal (legal drafting and PC Opinion requested) to rezone approximately 2ha of employment lands at Sandgate which adjoins existing industrial lands and has access to the Pacific Highway. The rezoning of additional employment lands at Sandgate should compensate for the loss of employment lands at Wallsend.

The rezoning may create additional jobs opportunities, provided the existing industrial land uses relocate to nearby industrial areas.

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 medium density residential development adjacent to existing residential development and

close to the Wallsend town centre.

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 R3 Medium Density Residential under the Newcastle Local Environmental Plan 2012.**

This will involve:-

- 1. Amending the Land Use Zone Map to change the zone from part R2 Low Density Residential zone and part IN2 Light Industry zone to a R3 Medium Density Residential zone.**
- 2. Amending the height of building map to stipulate a maximum building height of 10m.**
- 3. Amending the Floor Space Ratio Map to stipulate a maximum floor space ratio of 0.9:1.**
- 4. Amending the Minimum Lot Size Map to stipulate a minimum lot size of 450m2.**

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

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

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 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

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 :

Direction 1.1 Business and Industrial Zones

The PP rezones land from part R2 Low Density Residential and part IN2 Light Industry to R3 Medium Density Residential zone under the Newcastle Local Environmental Plan 2012. The PP is inconsistent with this Direction because it reduces the amount of industrial zoned land. It is recommended that the Director-General approves this minor inconsistency because it is of minor significance. The PP removes an ongoing land use conflict between the industrial and residential land uses and Council is finalising a rezoning proposal for additional employment lands at Sandgate, which should compensate for this loss of employment lands at Wallsend.

The unendorsed Newcastle Industrial Land analysis (2009), recommends that the subject site should be retained for industrial development. The rezoning proposal is supported because the retention of this isolated parcel of industrial land with inadequate vehicle access is not desirable. Also there are more appropriately located vacant industrial sites within the City of Newcastle and the Lower Hunter Region.

Direction 4.4 Planning for Bushfire Protection

Council needs to consult with the NSW Rural Fire Service before undertaking

community consultation to satisfy the requirements of Direction 4.4 Planning for Bushfire Protection.

Note: Direction 4.2 Mine Subsidence does not apply. The subject land is not identified as being affected by Mine subsidence on Newcastle Mine Subsidence District Map.

Direction 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land

The PP is considered consistent with the Minister's S117 Directions. The development application will address acid sulfate soils and the flood plain development manual 2005.

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 28 days because the rezoning is inconsistent with its Newcastle Industrial Lands Analysis (2009). 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 :

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.**

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Consistency with strategic planning framework :

Lower Hunter Regional Strategy (LHRS)

The LHRS aims 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 as a 'Town' capable of having mixed uses with medium and higher density housing. The proposed R3 medium density residential zoning is consistent with the aim of increasing densities at Wallsend and Council justifies the loss of employment lands in this locality.

Newcastle Urban Strategy (NUS)

The planning proposal is consistent with the objectives of the NUS by providing medium density housing within 400m from the Wallsend town centre and taking advantage of existing infrastructure.

Newcastle Industrial Land analysis (ILA)(Updated 2009)

The Industrial Land analysis provides a review of industrial lands in the Local Government Area. It supports the retention of the subject lands on the basis that it could be connected to the expansion of the Maryland Industrial Estate. However, this is no longer possible because the Hunter and Central Coast JRPP has approved a Bunnings Warehouse development on the adjoining site thereby removing the envisaged connection to the Maryland Industrial Estate. In the circumstances, the retention of this isolated parcel of industrial land with inadequate vehicle access is not desirable.

Although the Newcastle Industrial Land analysis (2009) suggested that the subject site should be retained for industrial development, Council supports the rezoning 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.

Environmental social economic impacts :

The PP does not require the removal of significant vegetation. It is recommended that Council address SEPP 55 in the Planning Proposal and prepare a contamination report. If required, the site will be remediated before it is developed as medium density residential.

The PP will have positive social and economic impacts by providing medium density housing within 400m of the Wallsend town centre. The rezoning may also create additional jobs opportunities.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 Month	Delegation :	DG
Public Authority Consultation - 56(2)(d)	Hunter Water Corporation NSW Rural Fire Service		

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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. :

Bushfire

If Other, provide reasons :

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 - George_James_John_Robert Streets Wallsend.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
 4.1 Acid Sulfate Soils
 4.3 Flood Prone Land
 4.4 Planning for Bushfire Protection
 5.1 Implementation of Regional Strategies

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

1. The Planning Proposal be supported.

2. Council be required to consult with the NSW Rural Fire Service before undertaking community consultation to address the requirements of the Minister's S117 Direction 4.4 Planning for Bushfire Protection.

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. 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 28 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)

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

- NSW Rural Fire Service
- Hunter Water Corporation

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.

6. The Director General (or delegate) approves the minor inconsistencies with the Minister's S117 Direction 1.1 Business and Industrial Zones based on it being of minor significance. The rezoning removes an ongoing land use conflict between the industrial and residential land uses in this locality.

7. 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.

8. The timeframe for completing the LEP is 12 months from the date of the Gateway Determination.

9. Council are given plan-making delegations.

Supporting Reasons :

The rezoning will provide medium density housing within 400m of the Wallsend town centre, which is consistent with the Lower Hunter Regional Strategy and the unendorsed Newcastle Urban Strategy.

Also, the rezoning will remove the land use conflict between the industrial and residential land uses. There are more appropriately located vacant industrial sites within the City of Newcastle and the Lower Hunter Region to provide the required employment lands as identified by the Lower Hunter Regional Strategy.

Signature:



Printed Name:

K-O'FLAHERTY Date: 2-5-2013