

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**

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.

Panel Recommendation

Recommendation Date : 09-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 must be made publicly available for a minimum of 28 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:

- Hunter Water Corporation
- NSW Rural Fire Service (S.117 Direction 4.4 Planning for Bushfire Protection)

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 12 months from the week following the date of the Gateway determination.

Signature:

M. Munro

Printed Name:

NEU SEWELL

Date:

10/5/13